

Child Abuser
Vertical Prosecution
Program
Final Evaluation Report



December 2002
Program Evaluation Division

Governor's Office of Criminal Justice Planning

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*Gray Davis
Governor*

**An Evaluation of the
Child Abuser Vertical Prosecution Program**

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**Governor's Office of Criminal Justice Planning
Program Evaluation Division**

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Executive Summary

This report is an evaluation of the Child Abuser Vertical Prosecution (CAVP) Program that is funded by the State of California. The goals of the CAVP program are to enhance prosecution efforts in felony child sexual abuse cases and to reduce the emotional trauma and secondary victimization related to the legal process for young victims and their families. Towards this end, the CAVP Program funds selected district attorney's offices throughout the State of California. The purpose of this funding is to increase vertical prosecution of adult defendants charged with child sexual abuse (CSA), as defined by Penal Code Section 11165. Specifically, CAVP funds are to be used towards the assignment of highly qualified and experienced prosecutors and investigators to CSA cases. These prosecutors and investigators are to be responsible for a reduced caseload to improve prosecution efforts. Specific goals for CAVP prosecutors include making all reasonable efforts to resist the pretrial release of defendants, coordinating services for victims with relevant community service agencies, and making all reasonable efforts to reduce the time between the arrests of defendants to the final disposition of cases.

The most recently completed grant cycle began in FY 1998-1999 and was concluded on July 30, 2002. Nine counties were funded during this cycle: Alameda, Lake, Placer, Santa Clara, Santa Cruz, Shasta, Trinity, Tulare, and Yuba. Data collected, analyzed, and presented in the present report have been gathered from this cycle of grantees.

Purpose of the Evaluation

The purpose of the present evaluation is two fold. First, to determine if there was an impact on prosecution practices and outcomes as a result of CAVP Program funding. To facilitate this, longitudinal data from FY 1998 to 2002 was gathered in several categories of prosecution performance. Examination of performance across the length of the grant cycle was conducted to detect enhanced prosecution efforts in cases of child sexual abuse. These categories include:

- Outcome of referrals (i.e., number of cases referred, rejected, and accepted);
- Completion of cases (i.e., final disposition of filed cases);
- Prosecution models used in cases (i.e., number of cases utilizing each of the three models of vertical prosecution;
- Time frame of case completion (i.e., number of cases completed in less than six months, in six to 12 months, or in more than 12 months); and
- Disposition of convictions (i.e., final outcome of cases receiving conviction).`

Second, as mandated by Penal Code Section 999y, the CAVP evaluation is an outcome-based evaluation to determine whether the program accomplished its goals in a cost effective manner. Towards this goal, a statewide survey of district attorney's offices was

cases of child sexual abuse. Five categories of data were collected in the survey:

- ❑ Organizational Structure: Variables related to how child abuse prosecution efforts are organized in grantee and non-grantee counties, including whether offices are organized vertically, the types of vertical prosecution practiced, the number of prosecutors and investigators involved in cases of child sexual abuse, and average caseloads for prosecutors and investigators.
- ❑ Processing of Cases: Variables related to processing of cases for both grantee and non-grantee counties, including number of cases referred, number of cases filed, and number of cases taken to trial.
- ❑ Outcome of Cases: Variables related to case outcomes for both grantee and non-grantee counties, including the number of convictions, the types of sentences, the average length of time between arrest and case disposition, the frequency of pretrial release, and the use of diversion.
- ❑ Victim Services: Variables related to victim services for both grantee and non-grantee counties, including the number of times victims were interviewed on average, the frequency and type of interagency agreements between district attorney's offices and victim services agencies, and the use of multidisciplinary interview centers (MDIC).
- ❑ Prosecution Costs: Quantification of the annual costs of prosecuting child abuse crimes in grantee and non-grantee counties.

These five areas reflect the scope of the CAVP Program's goals and objectives and meet the evaluation mandates created by Penal Code Section 999y.

Selected Findings

The Legislative Analyst Office (LAO) has directed Office of Criminal Justice Planning (OCJP) to address five questions in all evaluation reports:

Question #1 - Were the grant objectives achieved?

True Vertical Prosecution was utilized in the majority of cases by CAVP grantees (82% in FY 2001-2002), with Major Stages and Unit Vertical Prosecution being utilized in small percentages of cases (8% and 10% in FY 2001-2002, respectively). The average amount of time spent by CAVP prosecutors and investigators was higher for grantee counties than non-grantee counties (70% vs. 56% for prosecutors; 58% vs. 38% for investigators). In addition, CAVP grantees were successful in reducing caseloads for prosecutors and investigators as demonstrated by a comparison with non-grantee counties. All of the grantee counties had an interagency agreement for local collaboration, compared to only 59% of non-grantee counties. (See page 31 for details).

Question #2 - Did the program elements work?

For both grantee and non-grantee counties, the percentage of cases actually going to trial was very low on average. Seventy percent of the sample reported that 10% or less of filed cases went to trial. However, this finding may be explained, at least in part, by the fact that resolution by

the average length of time between arrest and final case disposition was between three and nine months. Neither group used diversion strategies extensively. (See page 32 for details).

Question #3 - Were funds spent efficiently?

A review of grant files revealed that OCJP had implemented several procedures to regulate the expenditures of funds by grantees. No significant reduction in costs was evident between the most current group of grantees and non-grantee counties. However, when average costs were compared between counties that had received funding at any point in the history of the CAVP Program to those that had never received funding, sizeable cost reductions were evident in prosecution and investigator costs, as well as victim-witness costs for those counties funded by the CAVP Program at some point. This may reflect increased efficiency in prosecution and victim services for those counties that implemented CAVP Program guidelines at some point between FY 1986 and the present. (See page 32 for details).

Question #4 - Was the intended problem addressed?

While the number of case referrals and cases accepted was reduced from the beginning of the funding period to the end (12% and 8%, respectively), commensurate reductions in the number of cases rejected were also shown (5%). This may reflect a real reduction in the number of sexual abuse cases being generated. However, no conclusive inferences can be made. The number of convictions increased 150% from FY 1998 to 2002. This increase occurred while the occurrence of cases resulting in diversion outcomes, dismissal, and pleas remained relatively constant. Percentage of convicted cases that resulted in either a prison sentence or a jail term for the defendant increased from 79% in FY 1998-1999 to 93% in FY 2001-2002. (See page 33 for details).

Question #5 - What lessons were learned for other agencies?

The most commonly reported factors influencing conviction outcomes for both grantee and non-grantee counties have been identified as the lack of corroboration/insufficient evidence; the lack of credibility in the child victim; and poor testimony by the child or the inability of the child to testify. The use of MDICs appeared beneficial in minimizing the need for repeated child interviews. (See page 34 for details).

Recommendations

It is recommended that future grant cycles utilize the CAVP Program as seed money for those counties that have never been funded in order to provide the long term benefits of the CAVP program to those counties. Support for MDICs should be continued as an important component of the CAVP program. Future efforts should be made to construct a database system for CAVP grantees, whereby key variables for each case prosecuted with CAVP funding are kept together for future analysis. (See page 34 for details).

SECTION I: INTRODUCTION

One of the programs receiving assistance from OCJP is the Child Abuser Vertical Prosecution (CAVP) Program. The CAVP Program has two primary purposes: 1) to provide financial support to selected district attorneys' offices to enhance prosecution efforts in felony child sexual abuse cases¹; and 2) to reduce the victim's emotional trauma and secondary victimization resulting from the legal process. Funding for this program was authorized by Assembly Bill (AB) 33 (Chapter 1097 of the Statutes of 1985). The current statute is reflected in Title VI, Part 2 of the California Penal Code, Chapter 2.4, Sections 999q through 999y.

The following report will examine issues related to the investigation and prosecution of cases of child sexual abuse, as well as methods for improving efforts in these areas. This will be followed by a brief description of the CAVP Program and its history. Within this description, the components and policies that comprise the CAVP Program will be detailed. Finally, several data analyses will be conducted to examine whether this program has been able to accomplish its goals in a cost effective manner. This will be assessed by examining longitudinal data from nine grantees from FY 1998 to 2002 and by comparing survey data collected from these nine grantees and 37 other non-grantee counties in California. These two approaches will be utilized in an effort to see whether CAVP grantees improved in key performance related areas over the course of their grantee cycle and also to examine whether their efforts differed from those of counties not funded by the CAVP Program.

The purpose of the following section is to introduce the reader to (1) research related to the prevalence and circumstances of child sexual abuse; (2) research that explores the difficulties in investigating and prosecuting cases of sexual abuse; and (3) interventions that have been implemented by law enforcement and district attorneys to combat those difficulties.

Historical Overview of Child Abuse

The concept of child abuse is relatively new to western society; however there is historical evidence that children have long been murdered, neglected, beaten, and sexually exploited for centuries. Until the last half of the twentieth century, actions were not formally defined as abuse or maltreatment and public authorities rarely interceded on behalf of the child. In 1974, the U.S Congress passed the Child Abuse Prevention and Treatment Act (CAPTA), Public Law 93-247, to provide a national definition of various types of abuse and to prescribe actions that states should undertake to protect children who have been victimized. The law broadly established maltreatment as:

The physical and mental injury, sexual abuse, neglected treatment or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate the child's welfare is harmed and threatened thereby.

¹ Legislation was chaptered on August 31, 2001 (AB 929) to expand the scope of the CAVP Program to include all types of abuse, not just sexual. Implementation of the legislation will take effect in the next competitive cycles, beginning July 1, 2002.

As defined by the Child Abuse Prevention and Treatment Act (CAPTA) legislation, sexual abuse is:

An act of commission, including intrusion or penetration, molestation with genital contact, or other forms of sexual acts in which children are used to provide sexual gratification for the perpetrator. This type of abuse also includes acts such as sexual exploitation and child pornography.

In the past 20 years, sexual crimes involving minors has become an increasingly visible societal problem. In data collected from law enforcement agencies between 1991 and 1996, 67% of all victims of sexual assault were juveniles (under the age of 18) (BJS, 2000). Even more disturbing, 34% of all victims were under the age of 12. Retrospective surveys have suggested that as much as 20%-25% of women report a history of sexual abuse during childhood (Alexander & Lupfer, 1987; Finkelhor, 1979; Russell, 1986).

Unfortunately, among violent and coercive crimes involving minors, the prevalence of sexual abuse is difficult to measure in terms of the actual number of incidences that occur each year (Finkelhor, 1994). Existing statistics usually only reflect cases that are disclosed to child protection agencies or to law enforcement. Research is also clouded by differences in the definition of what constitutes sexual abuse (Brown & Finkelhor, 1986). For example, some studies only consider cases of abuse perpetrated by family members, while others include all cases related to an older person. The lack of epidemiological studies concerned exclusively with the incidence and circumstances of child sexual abuse also adds to the difficulty of estimating the true level of occurrence in society

In the existing literature related to the prevalence of child abuse, the Fifty-State Survey of Child Abuse and Neglect represents an aggregation of state data collected by the National Committee to Prevent Child Abuse from interviews with state child protection agencies. The last published survey was released in 1997.

- ❖ In 1997, an estimated 3,195,000 children were reported to CPS agencies as alleged victims of child maltreatment.
- ❖ 7% of these cases (223,650 children) involved reports of sexual abuse. This percentage reflects a decrease from the 1986 survey, where 16% of all reports involved sexual abuse.
- ❖ 84,320 new cases of child sexual abuse were accepted for services in 1997.

This reduction in reported child sexual abuse needs to be interpreted carefully. The larger percentage of reporting of child sexual abuse in the mid 1980's may reflect an increased awareness to the problem of this form of maltreatment that had not existed before. Also, improvements in professional practice in child abuse prevention services may be partially responsible for this decrease. Jones and Finkelhor (2001) examined this decline and reported a number of statistics regarding this phenomenon.

- ❖ The substantiated cases of sexual abuse decreased from 1992, with 149,800 cases (a national peak), to 103,600 cases in 1998. This reflects a 31% reduction in cases of child sexual abuse.
- ❖ In addition to the decline of substantiated cases of sexual abuse, the number of reported cases also declined, from 429,000 in 1991 to 315,400 in 1998 (a 26% decline).

reported cases. First, this decline may reflect a true decrease in child sexual abuse nationwide. In this area, a number of improvements have taken place, such as the aforementioned creation and improvements in prevention programs (Bethea, 1999), the incarceration of offenders, treatment of offenders to prevent re-offending, and improved monitoring of convicted sex offenders in the community. The authors also point to a reduction in related crimes, such as rape victimization and female victimization by an intimate partner, as an indicator of a true decrease in prevalence of child sexual abuse.

A second explanation for the decrease in reported and substantiated cases of sexual abuse is that changes in attitudes, policies, and standards may have resulted in fewer reports and substantiated cases. One aspect that may be at work in this area is a backlash against child abuse reporting. This has been caused by media reports in recent years involving false complaints of sexual abuse that have unfairly stigmatized the alleged abusers. This may create more reluctance in the community to report suspected abuse, especially those cases that lack a great deal of physical or medical evidence.

It is also possible that the general public and mandated reporters may be less vigilant in identifying and reporting cases. Following the upsurge of media attention and public interest on the topic of child sexual abuse in the 1980's, a marked increase in the number of reported and substantiated cases from the 1970's resulted. In the 1990's, a decline in public attention to this issue may have resulted in decreased attention to the signs of suspected abuse and subsequently fewer reports to child protective agencies.

The National Child Abuse and Neglect Data System (NCANDAS) represents another important source of statistical data on child maltreatment. Developed by the Children's Bureau of the U.S. Department of Health and Human Services in partnership with state child protective service agencies to collect annual statistics regarding child abuse, data from NCANDAS represents the most updated statistics. Key findings from the year 2000 report are presented below.

- ❖ Approximately 879,000 children were found to be victims of child maltreatment in 2000. 10% of these children suffered some form of sexual abuse.
- ❖ Non-related acquaintances, fathers, and other relatives were responsible for 29%, 22%, and 19% percent of cases of sexual abuse respectively.

These findings suggest some corroboration with data from the other two sources presented above. First, the 88,000 cases of substantiated sexual abuse in the 2000 NCANDAS report approximates the amount reported in 1997 by the National Committee to Prevent Child Abuse. The NCANDAS report also confirms another common finding in sexual abuse research (Brown & Finkelhor, 1986), the perpetrator is often someone related or close to the victim. As reflected in the 2000 NCANDAS data, someone intimate to the child committed 70% of all substantiated cases of child sexual abuse. In summary, multiple sources of statistical evidence suggest that the prevalence of child sexual abuse has been stable or declining since the early 1990's. However, this may reflect, in part, factors other than an actual reduction in abuse.

CHARACTERISTICS OF SEXUAL ABUSE PERPETRATORS

Unlike other types of maltreatment, such as physical abuse and neglect, sexual abuse is not closely related to socioeconomic status (Finkelhor & Baron, 1986). In terms of the gender, females make up a very small proportion of perpetrators (Finkelhor & Russell, 1984). Therefore, it is difficult to fully understand the impact of the gender of the perpetrator. Two studies that

perpetrators as being more traumatic. Abuse by a father figure is consistently noted as a factor that is associated with increased trauma and long-term psychological distress. This is significant, as a father figure is the perpetrator in a third of all cases of female sexual abuse (Brown & Finkelhor, 1986).

It may be intuitively assumed that abuse suffered at the hands of a primary caregiver or close relative would be the most traumatic. However, research in this area is not conclusive. It is important to note that while abuse by a relative may invoke more feelings of betrayal and interpersonal mistrust, abuse by a non-relative, such as a close neighbor, may be related to increased levels of fear and anxiety (Brown & Finkelhor, 1986). These factors illustrate why the relative/non-relative distinction is not a clear one when assessing the severity of trauma and emotional disturbance on the child. In conclusion, variation in the circumstances of a sexually abusive situation may have differing impact on the victim. However, existing literature clearly suggests that the most common and psychologically damaging episodes of sexual abuse involve an intimate personal relation of some kind for the child.

Impact of Sexual Abuse on Victims

Because sexual abuse is rarely a discrete or isolated event, the victim must deal with several aspects of the experience: (a) the physical and psychological distress stemming from the actual sexual experience; (b) latent periods of guilt, apprehension and fear between episodes of abuse and often; (c) the loss of trust with an emotionally significant person. In addition, the victim's development of self and the capacity for relationships with others may be severely compromised, especially when the perpetrator constitutes a primary care giving relationship for the child.

Numerous studies point to a variety of negative psychological outcomes for victims of child sexual abuse, frequent symptoms include low self-esteem, anxiety, and depression. The circumstances of the abuse can contribute significantly to the severity of problems suffered by the child, including the duration and frequency of the abuse, and the seriousness of the sexual behavior involved. However, one of the disturbing trends in research is the existence of significant proportions of victims who exhibit little or no symptomology related to the abuse. In a study of 369 sexually abused children, 21% had none of the symptoms usually considered as a form of "proof" that the abuse had happened (e.g. behavioral regression, somatic complaints, and fearfulness) (Conte & Schuerman, 1987). This can be a significant problem for authorities in charge of investigating the possibility of abuse in the home and the potential guilt of perpetrators (i.e. CPS and law enforcement), for whom the child's behavior plays a large role in the assessment process.

Although the number of reported cases of child sexual abuse seems to be declining somewhat, investigating and prosecuting cases of sexual abuse remains difficult and demands a great deal of resources. In particular, child sexual abuse cases are difficult for prosecutors. Sound physical evidence is frequently not available. Eyewitness reports can be incomplete or unreliable during questioning (Geiselman & Fisher, 1989). This type of investigation is time consuming and frustrating for the prosecutor, who is looking for an “open and shut case” before proceeding with a prosecution effort. In a 1994 survey of 271 prosecutors conducted by the National Institute of Justice (NIJ, 1995), child abuse and domestic violence were the top listed workload problems reported by prosecutors. The difficulty of prosecuting a case of child sexual abuse is summarized well by one surveyed prosecutor, “The prosecution of child molestation cases takes a tremendous amount of resources from my office. We can process 40 theft or drug cases in the time one child molestation case takes.”

In a related study, the Utah Commission on Criminal and Juvenile Justice and the Division of Family Services chose 59 cases involving adult perpetrators and followed them from referral to conviction (when applicable) (JRSA, 1992). Of the 59 original cases, 56 cases were referred to law enforcement for investigation to gather enough evidence for a prosecution of the case. Prosecutors rejected 35 of these cases. In 13 of the cases, the stated reason for dismissal was an inability to establish the facts of the crime. In eight of the cases, the victim or the victim’s family refused to cooperate in the investigative process. The remaining cases were rejected because of unspecified reasons. That nearly two-thirds of the initially referred cases were never prosecuted underscores the difficulty of convicting a perpetrator of sexual abuse. However, convictions were obtained in the remaining 20 cases. This suggests that in the event that law enforcement is able to successfully investigate the case and gather the necessary evidence for a prosecution effort, a conviction is likely.

As the Utah study illustrates, refusal by the victim or the victim’s family to cooperate in the investigation can be a major barrier to prosecution efforts. As the perpetrator is very often a relative or intimate acquaintance, the prospect of the child’s testimony resulting in a conviction and incarceration of the defendant often creates uncomfortable emotional issues for the family. From the perspective of the child, the court process is a difficult and traumatic experience. The victim is often ill equipped emotionally to deal with the pressures of testifying and may end up internalizing the experience as the result of something he or she did wrong. Finally, because of the often intimate relationship between perpetrator and victim and because the abuse may not leave any visible indicators, exposure of the crime is difficult.

In a study conducted by the Bureau of Justice Statistics, over 60,000 incidents of sexual assault between the years of 1991 and 1996 were examined for a variety of characteristics. Results suggest that:

- ❖ Approximately 83% of all sexual assaults of children between the ages of 0 and 11 occur within a residence, in comparison to approximately 55% for victims over the age of 18.
- ❖ Sexual offenders are arrested in 19% of cases involving children under the age of 6. This number increases to 33% for children between the ages of 6 and 11 and 32% for children between the ages of 12 and 17.

These findings underscore several important problems regarding the detection and incarceration of child sexual abusers. A very large percentage of sexual assaults on very young children (ages 0-11) occur in a home, where the opportunity for detection is severely limited. The age of the

unreliable in reporting incidence of sexual abuse or at the very least malleable to questioning (Loftus, 1979). Given the sensitive nature of these crimes and the difficulties inherent in investigating and prosecuting cases of child sexual abuse, great care is needed from involved law enforcement, social service providers and prosecutors.

The delicate issues described above illustrate the need not only for adequate training of law enforcement, social service providers, and legal professionals, but also a demand for coordination and cooperation between all of these entities in the investigation and litigation of cases of child sexual abuse. Recently, a number of studies have been conducted to examine the impact of efforts made to increase interagency collaboration in this area. The theoretical focus of this research has been twofold. First, the impact of increased collaboration is expected to improve investigative and prosecutorial efforts and ultimately lead to more convictions. Second, a more collaborative effort is hypothesized to reduce the emotional trauma for the child involved in the investigative and legal process following disclosure. This latter point is important, as research has illustrated that increased contact with professionals and repeated interviewing regarding events of abuse can result in increased trauma for the child (Berliner & Conte, 1995).

Efforts to improve investigative and prosecutorial efforts have resulted in a number of avenues of intervention. Included among them are the creation of specialized consultation teams created to increase expertise in investigative efforts (Bross, Ballo, & Korfmacher, 2000; Goldstein & Griffin, 1993), specialized victim-witness units for child sexual abuse cases (Dible & Teske, 1993), community collaborative plans between CPS and law enforcement (Faller & Henry, 2000), and the implementation of multidisciplinary interview programs to minimize the number of times the victim is queried about events surrounding the abuse (Jaudes & Martone, 1992). The results of these interventions has been increased conviction rates, a reduction in the number of child interviews, and improved psychosocial functioning in the child following investigative and legal proceedings.

Description of Vertical Prosecution

Vertical prosecution describes a specialized model, whereby an attorney with a high level of case-specific training and experience is assigned to prosecute a criminal case from beginning to end. This method of specialized case assignment has been found to be very effective in promoting the conviction of repeat offenders, who are responsible for a large portion of crimes committed (Elstein & Davis, 1997). Vertical prosecution was also developed, in part, to address the unique problems that arise when prosecuting cases of a particularly sensitive nature, such as sexual abuse.

Specialized prosecution units for cases of child sexual abuse offer several potential benefits. First, often organized in units by area of offense (e.g., child abuse, sexual assault, domestic violence, etc), prosecutors are likely to have received specialized training in their area. For example, prosecutors gain in-depth knowledge of child sexual abuse laws and related procedures. Through experience, they also gain knowledge about the psychological effects of sexual abuse on children, improving their rapport with child victims. Second, those in specialized prosecution units are more likely to have close coordination with law enforcement, child welfare professionals, hospitals and crime laboratories, and therefore are likely to have a good understanding of the various organizational components involved in reports of sexual abuse. One specific benefit of this close coordination of the various agencies and services related to sexual abuse may be the minimization of the necessity for numerous victim interviews, decreasing the secondary trauma associated with repeatedly disclosing details of abuse (Weimer, 1980).

Organization of Evaluation Report

Pursuant to Penal Code §999y, an evaluation of the CAVP program is to be conducted to identify outcome indicators that determine the efficacy of the program. Under this statute, the evaluation is mandated to include, but not be limited to, 1) a comparison of child abuse conviction rates of CAVP-funded prosecution units with those of non-funded counties and 2) a quantified comparison of the annual costs of the CAVP-funded programs with the costs of prosecuting crimes in non-funded counties. To address these two evaluation criteria, several levels of data were gathered from the nine CAVP grantees from FY 1998-2002 and will be presented in Section III through IV.

In Section II, background information related to the funding and organizational history of the CAVP Program will be presented. Program objectives and components will also be described in detail.

In Section III, data taken from quarterly progress reports was analyzed in several key performance related areas. The purpose of this analysis was to examine changes in prosecution outcomes and practices over the course of the grant cycle. Because the purpose of the CAVP Program is to facilitate increased and improved efforts in the prosecution of cases of child sexual abuse, it is presumed that CAVP grantees will show improvements in key areas of performance, such as number of convictions and length of time to case disposition.

In Section IV, results from a statewide survey of child sexual abuse prosecution practices and outcomes will be presented. This survey was created by staff members of OCJP's Program Evaluation Division and was constructed with theoretically important areas of child sexual abuse prosecutions in consideration with comments of district attorneys throughout the state. The resulting instrument was sent to every county in the California, to both CAVP grantees and non-grantees alike. Included in the survey are questions regarding how CSA cases are prosecuted, the outcome of cases, interagency agreements with other service providers, and the costs associated with prosecution in this area. Respondents were asked to provide information that reflected FY 2001-2002. Data will be presented in a comparison of key variables between CAVP grantees and non-grantees. The purpose of this comparison is to examine the impact of CAVP Program funds on the prosecution of cases of child sexual abuse.

The purpose of this section is to provide a brief summary of the following: (1) the legislative background and funding history of the CAVP Program and (2) a description of the CAVP Program components and policies

Legislative History of the CAVP Program

In 1985, the California Legislature authorized the Child Abuser Prosecution Program. The law and funds were enacted in Assembly Bill 33, Chapter 1097, Statutes of 1985. The current statute is reflected in Title VI, Part 2 of the California Penal Code (PC), Chapter 2.4, Sections 999q through 999y (Appendix A). Originally titled The “Child Abuser Prosecution Program” in AB 33, the program was renamed by OCJP as the Child Abuser Vertical Prosecution (CAVP) Program.

The CAVP Program is one of several vertical prosecution programs authorized by the Legislature and administered through OCJP. California’s Career Criminal Prosecution Program initially demonstrated the concept of vertical prosecution as a successful prosecution approach. Other subsequent vertical prosecution programs administered by OCJP include the Gang Violence Suppression Program, the Major Narcotic Vendor Prosecution Program, and the Statutory Rape Vertical Prosecution Program (OCJP, 2001). Pursuant to PC Section 999r, OCJP serves as the administrative authority for the CAVP Program. In this capacity, OCJP’s responsibility is to develop and implement the program. This includes establishing policies dealing with the operation and direction of the program, monitoring funded projects, evaluating the program and reporting to the Governor and the Legislature on the program’s progress, accomplishments, and effectiveness.

CAVP Funding History

The initial funding for the CAVP Program began July 1, 1986 with an allocation of \$1,381,459 provided annually for three years for 12 projects. The counties funded were: Amador, Calaveras, Kern, Lake, Los Angeles, Napa, Orange, San Diego, San Luis Obispo, Sonoma, Santa Cruz, and Stanislaus.

In July 1989, a 10 percent decrease in funds reduced the allocation to \$1,358,000. The ten counties funded in this three-year grant cycle were: Alameda, Butte, Del Norte, Humboldt, Kern, Los Angeles, Monterey, Orange, Santa Cruz, and Sonoma. During this grant cycle, in July 1991, the funds were decreased to \$1,304,000.

In July 1992 the total allocation for the cycle remained at \$1,304,000. The funding was distributed among 11 counties: Alameda, Del Norte, Kern, Lake, Los Angeles, Mendocino, Orange, Santa Cruz, Shasta, Sonoma, and Stanislaus.

In July 1995, the funding was distributed among 12 counties: Los Angeles, Mendocino, Riverside, San Bernardino, San Luis Obispo, Santa Cruz, Shasta, Siskiyou, Tehama, Trinity, Tulare, and Yuba.

In July 1998, grant recipients were: Alameda, Lake, Placer, Santa Clara, Santa Cruz, Shasta, Trinity, Tulare, and Yuba. This most recent grant cycle was extended for an additional year to allow for proposed legislation to pass that would impact the CAVP Program in the next competitive cycle (AB 929). The total yearly allocation for the four-year grant cycle remained at

basis for much of this evaluation.

At the time of this report, the CAVP Program had a current yearly allocation of \$1,304,000, funded in three-year cycles. Existing legislation allows all counties to apply for funding from the CAVP Program. However, throughout the history of the CAVP Program, the Request for Proposal (RFP) specifies that the funds be dispersed equitably among counties of varying population sizes. This provides opportunities for counties with smaller populations and fewer resources to compete with counties of a comparable size. Similarly, large counties compete against other large counties.

Table 2.1 displays the CAVP Program grant recipients over the course of the program. The nine grantees evaluated in this report appear in bold and are italicized.

Table 2.1: Counties Receiving CAVP Program Funds

County	# of Funding Cycle	FY1986-1988	FY1989-1991	FY1992-1994	FY1995-1997	FY1998-2002
<i>Alameda</i>	3		X	X		X
Amador	1	X				
Butte	1		X			
Calaveras	1	X				
Del Norte	2		X	X		
Humboldt	1		X			
Kern	3	X	X	X		
<i>Lake</i>	3	X	X			X
Los Angeles	4	X	X	X	X	
Mendocino	2			X	X	
Monterey	1		X			
Napa	1	X				
Orange	3	X	X	X		
<i>Placer</i>	1					X
Riverside	1				X	
San Bernardino	1				X	
San Diego	1	X				
San Luis	2	X			X	
Obispo						
<i>Santa Clara</i>	1					X
<i>Santa Cruz</i>	5	X	X	X	X	X
<i>Shasta</i>	3			X	X	X
Siskiyou	1				X	
Sonoma	3	X	X	X		
Stanislaus	1			X		
Tehama	1				X	
<i>Trinity</i>	2				X	X
<i>Tulare</i>	2				X	X
<i>Yuba</i>	2				X	X

Note: Counties in FY 1998-2002 grant cycle are in bold and are italicized.

Program Description

The purpose of the CAVP Program is two-fold. First, it aims to support an intensified effort by district attorneys' offices to prosecute felony child sexual abuse crimes. Second, it aims to minimize the emotional trauma child victims experience during legal proceedings.

After a competitive selection process, chosen county district attorneys' offices enter into a grant agreement with OCJP to establish CAVP units within their offices and to intensify prosecutorial efforts against felony child sexual abuse. Funding is distributed over a three-year period². However, a non-competitive application for continuation of funding must be made for the second and third year. Continuation funding is given upon satisfactory performance and subject to availability of funds. The creation of a specialized unit dedicated to prosecution of cases of child sexual abuse is intended to have several outcomes. First, it is intended that CAVP funded prosecutors will be highly trained and experienced in the legal ramifications of felony sexual abuse, as well as the sensitive psychological issues particular to children exposed to this type of abuse. Second, CAVP-funded prosecutors will be required to manage a reduced caseload, in order to facilitate the more labor-intensive practices of vertical prosecution. Finally, the CAVP Program requires that prosecutors build and enhance relationships with community agencies serving victims, such as rape counseling and child sexual abuse programs, in order to coordinate efforts and resources of both criminal justice and community service agencies. Each of the CAVP mandated components is described in depth below.

Program Components

The CAVP Program is expected to facilitate enhanced prosecution efforts and resources in cases against individuals identified as meeting the criteria set forth in PC Section 999t (see Appendix A). These efforts include, but are not limited to:

1. Vertical prosecution. The term vertical prosecution refers to a system of case management where the same attorney prosecutes a case from the initial filing or initial court appearance through the entire trial process to sentencing (PC §999s(a)). The use of this system under the CAVP Program has two intended outcomes: to concentrate and enhance prosecution efforts and resources in cases of felony child sexual abuse and to minimize the emotional trauma to the victim. In regards to the second outcome, the continuity of personnel is intended to facilitate a more stable and trusting relationship between the prosecutor and victim, minimize the number of interviews of the victim, and create a more efficient court process. OCJP recognizes three categories of vertical prosecution, differentiated by the level involvement that the primary attorney of the case maintains:
 - ❑ *True Vertical* - The same prosecutor files the charges or makes the initial appearance after the defendant is identified as meeting child abuser criteria, and makes all subsequent court appearances through the sentencing stage.
 - ❑ *Major Stage* - The same prosecutor files the charges or makes the initial appearance, after the defendant was identified as meeting child abuser criteria (as in True Vertical), and subsequently makes all significant appearances through the sentencing stage. Examples

² However, the nine grantees evaluated in the present report have been funded over a four-year period. The extra year of funding was made to allow legislation regarding program policy to pass before a new group of grantees was chosen.

admissibility of evidence, dismissal of charges, changes of venue, and motions concerning search warrants.

- ❑ *Unit Vertical* - Based upon extraordinary circumstances, such as court conflicts, geographic location of hearing, illness or absence due to unavoidable circumstance, the principal prosecutor (who filed the charges or made the initial appearance after the defendant was identified as meeting child abuser criteria) is assisted by no more than one other unit attorney.

2. Assignment of highly qualified prosecutors and investigators to CAVP cases.

Due to the sensitive nature and complicated circumstances often associated with cases of child sexual abuse, relevant specialized training and experience is critical to successful prosecution and appropriate resolution of cases of child of sexual abuse. CAVP Program guidelines (PC §999s (b)) defines “highly qualified” as:

- ❑ Individuals with one year of experience in the investigation and prosecution of felonies or specifically the felonies involving crimes of a sexual nature;
- ❑ Individuals who have received training as set forth in PC Section 13836 et seq. (see Appendix B); or
- ❑ Individuals who attended equivalent training approved by OCJP.

OCJP ensures the integrity of this objective by requiring that each CAVP funded office provide information regarding the qualifications of staff assigned to the grant. Training programs, such as the California District Attorney’s Association Sexual Assault training, are also in place to provide assistance to CAVP prosecutors to meet or exceed training requirements.

Additionally, funded district attorney’s offices are required to develop a personnel policy that reflects a commitment to stability and continuity of staff assignments. Also, positions may be split-funded with duties other than investigation and prosecution of felony child sexual abuse only when grant funds are insufficient to support a full-time staff position

3. Significant reduction in caseload assignments for CAVP-funded prosecutors and investigators.

The intended outcome of this objective is increased effectiveness of prosecution and provision of service to individual victims. The reduced caseload of CAVP prosecutors is also integral to making the trial process more efficient for the prosecutor, by minimizing conflicts with other cases and the subsequent need to file for continuances. A reduction in caseload also allows the prosecutor increased time and personal resources to develop a more intimate relationship with the victim. This may contribute to a reduction in secondary trauma that may be the unintended result of the legal process.

4. Coordination, referral, and training with local community agencies

To ensure that services are provided to help trauma suffered by child abuse victims, CAVP funded offices must have operational ties with various local community agencies. This objective is partially fulfilled by the grantee's creation of an approved MDIT/MDIC protocol or a plan to develop a protocol for all child sexual assault victims within their jurisdiction. This protocol or plan is required during the initial grant proposal. Also, pursuant with PC 999r(d) grantees must have written operational agreements on file which grantees are required to coordinate with agencies providing services to victims of crime, such as rape counseling centers, child abuse and child sexual abuse programs and victim assistance programs.

CAVP Policies

In addition to the four objectives listed above, the CAVP Program also strives to implement several important features into the policy of funded offices. These features are conceived in the best interest of the victim and in the interest of an efficient trial process.

Pretrial Release:

In all cases prosecuted by a CAVP funded office, all reasonable efforts will be made to resist the pretrial release of the defendant (PC §999u (a)). Because defendants in cases of child sexual abuse may have no prior criminal record and are often related to or acquainted with the victim, the child is often at great risk of harm if the defendant is released on bail before the beginning of the trial. In cases where there is insufficient legal cause to deny bail for the defendant, CAVP prosecutors are then instructed make every reasonable attempt to provide information to the court to establish a "no contact" order to protect the victim.

Diversion Alternatives:

Although CAVP legislation was constructed with the primary intention of intensifying prosecutorial efforts in cases of child sexual abuse, it is not to be construed that this should place limits on the application of diversion programs authorized by the law (PC §999u (b)). In fact, all reasonable efforts should be made to utilize diversion alternatives when it is warranted by the circumstances of the case. As with all facets of the CAVP Program, the ultimate outcome of this policy is to minimize trauma suffered by the victim. In certain cases, referring the defendant to a diversion program may achieve this goal.

Reduction of Time Until Case Disposition:

In CAVP funded cases, all reasonable efforts will be made to reduce the time between arrest and disposition of the defendant (PC §999u (c)). A reduction in time to complete a child sexual abuse prosecution is also related to the overall goal of reducing trauma to the child. A timely completion of legal proceedings may help the victim and the victim's family return to their normal lives and enhance the healing process.

An individual is subject to child abuse prosecution efforts under PC Section 999t(a) if he or she was charged with felony sexual assault of a child under the age of 18 years (PC §11165), and is being prosecuted for one or more of the following violations as defined in PC Section 11165.1(a) (see Appendix C):

- ❑ Section 261(rape);
- ❑ Section 261.5, subdivision (d) (statutory rape);
- ❑ Section 264.1 (rape in concert);
- ❑ Section 285 (incest);
- ❑ Section 286 (sodomy);
- ❑ Section 288, subdivision (a) or (b) (lewd or lascivious acts upon a child under 14 years of age);
- ❑ Section 288a (oral copulation)
- ❑ Section 289 (penetration of genital or anal openings by a foreign object); and
- ❑ Section 647.6 (child molestation).

Additional charges are also recommended to fulfill the intent and purpose of the CAVP Program (see Appendix D). These charges include:

- ❑ Section 220 (intent to rape)
- ❑ Section 243.4 (sexual battery)
- ❑ Section 269 (aggravated assault on a child)

Legislation was created on August 31, 2001 (AB 929) that expands the scope of CAVP Program to include abuse of all types, not just sexual abuse. This policy change will go into effect with the cycle of grantees beginning in July 2002. The present evaluation will be focused on CAVP funded efforts in the area of sexual abuse. The new expanded CAVP prosecution criteria are presented in Appendix E.

PC Section 999v requires that these criteria be followed in each CAVP Program case, unless, in the reasonable exercise of prosecutorial discretion, extraordinary circumstances required departure from these policies. Several categories of exceptions are worth noting. First, exceptions may be made in cases where there is a need to protect the child victim. Second, in accordance to PC Section 999t, district attorneys participating in the CAVP Programs may limit local project efforts to persons arrested for any one of the offenses listed above if local crime data demonstrates that the incidence of one or more such offenses is presenting a serious problem to the county. In exercising prosecutorial discretion, the district attorney shall consider the character, background, and the prior criminal background of the defendant.

Methods

All CAVP Grantees are required to submit quarterly progress reports on information related to the goals of the program. Information gathered from these reports includes: (1) information regarding outcomes of referred cases, (2) disposition of cases accepted, (3) prosecution methods, and (4) time required for completion of cases. For the present report, data from the nine grantees during the period of FY 1998-2002 was gathered and analyzed longitudinally.

Progress report data provides a reliable measure of performance of the CAVP Program. However, counties did not collect these data prior to becoming CAVP grantees. Therefore, a baseline of performance of grantees is not possible. It was presumed that an increase in performance in those variables related to the primary goals of the CAVP Program would be illustrated in data across the four-year grantee cycle. For the present evaluation, progress report data for each fiscal year was aggregated across grantees to allow a year-by-year comparison. Therefore, all subsequent presentations of data will reflect combined yearly totals for all nine CAVP grantees.

The presentation of data is organized into the following categories:

- Outcome of referrals (i.e., number of cases referred, rejected, and accepted)
- Completion of cases (i.e., final disposition of filed cases)
- Prosecution models used in cases (i.e., number of cases utilizing each of the three models of vertical prosecution)
- Time frame of case completion (i.e., number of cases completed in less than six months, in six to 12 months, or in more than 12 months)
- Disposition of convictions (i.e., final outcome of cases receiving conviction)

Results

Outcome of Referrals

In Table 3.1, three categories of data are presented: Number of cases referred, number of cases rejected, and number of cases accepted.

Table 3.1 – Outcome of Case Referrals

Case Variable	FY 1998-1999	FY 1999-2000	FY 2000-2001	FY 2001-2002	Totals
Number of Cases Referred	643	504	577	568	2,292
Number of Cases Rejected	322	220	300	257	1,099
Number of Cases Accepted	306	282	269	236	1,093

Please note that the sum of the number of cases rejected and accepted (2,192) does not equal the number of cases referred (2,292). This is because of the time involved in reviewing cases. Cases

reporting period. Further, 100 of the cases referred had not been either accepted or rejected by the end of the FY 2001-2002 reporting period, and the results of those referrals were unknown at the time of this report.

As illustrated in the table above, the total number of referrals to CAVP grantees reduced from 1998 to 2002. Along with this reduction in referrals (12%), the percentage of cases accepted from those referred also decreased slightly, from 47% to 41%. However, a reduction in percentage of referred cases that were subsequently rejected is also evident (from 50% to 45%). It is difficult to interpret this overall reduction in all three categories. This reduction may reflect a real reduction in the number of viable cases being referred to CAVP prosecutors; however it is not possible to ascertain for certain the cause of this reduction.

Completion of Cases

In Table 3.2, data regarding the disposition of filed cases is presented in the following categories: the number of cases resolved by conviction, the number of cases resolved by acquittal, the number of cases resolved by plea, the number of cases resolved by diversion, and the number of cases resolved by dismissal.

Table 3.2 – Completion of Cases

Case Disposition Category	FY 1998-1999	FY 1999-2000	FY 2000-2001	FY 2001-2002	Totals
Number of Dismissals	18	12	15	17	62
Number of Diversions	4	1	0	2	7
Number of Acquittals	4	5	6	3	18
Number of Pleas	182	157	201	172	712
Number of Convictions	18	15	31	45	109
Totals	226	190	253	239	908

It is of interest that within completed cases reported between FY 1998 and 2002, there is only a five percent increase in the number of completed cases, yet a 150% increase in the number of convictions. All other categories appear stable across the four-year period, with the Plea category representing the most common disposition outcome. This marked increase in the number of convictions across the grantee cycle suggests greater efficiency by CAVP grantees in investigating and prosecuting cases of sexual abuse.

Prosecution models used in cases

Table 3.3 depicts the reported number of cases that used each of the following methods of vertical prosecution: True Vertical, Major Stages, and Unit Vertical.

Table 3.3 – Prosecution of Cases

Case Disposition Category	FY 1998-1999	FY 1999-2000	FY 2000-2001	FY 2001-2002	Totals
True Vertical	182	208	222	192	804
Major Stages Vertical	16	8	8	18	50
Unit Vertical	34	5	8	23	70
Totals	232	221	238	233	924

As might be expected, True Vertical Prosecution was the most commonly utilized prosecution method, with 82% of CAVP funded cases in FY 2001-2002 being prosecuted with this model. In

cases (8% and 10% in FY 2001-2002, respectively).

Timeframe of Case Completion

In Table 3.4, data is presented on the length of time required to complete cases. Time data is organized into the following three categories: less than six months, between six and twelve months, and over one year.

Table 3.4 – Length of Time to Case Disposition

Length of Time	FY 1998-1999	FY 1999-2000	FY 2000-2001	FY 2001-2002	Totals
Less than Six Months	171	125	140	135	571
Between Six and Twelve Months	92	41	62	67	262
Over One Year	48	21	17	29	115
Totals	311	187	219	231	948

While the actual number of cases completed in less than six months decreased between FY 1998 (171) and 2002 (135) (22% reduction), the percentage of total cases that were completed in less than six months increased slightly (from 54% to 58%). This suggests that while the number of cases prosecuted was decreasing across the four-year cycle, the overall efficiency with which cases were processed seems to have been maintained or improved.

Disposition of Conviction

In Table 3.5, the final disposition of convicted cases is presented in five categories: Prison, Jail, CYA, Probation (with no jail), and Probation (with treatment).

Table 3.5 – Disposition of Conviction

Outcome	FY 1998-1999	FY 1999-2000	FY 2000-2001	FY 2001-2002	Total
Prison	63	72	35	107	277
Jail	60	65	42	85	252
CYA	1	4	1	0	6
Probation (no jail)	5	1	74	8	88
Probation (w/ treatment)	26	53	19	6	104
Total	155	195	171	206	727

Please note that the total number of dispositions reflected in this table (727) does not equal the total number of cases completed by a guilty plea or conviction as reflected in table 3.2 (821). This is because of the time involved in conducting sentencing hearings prior to the rendering of a sentence. Convictions reported in one reporting period may not receive a disposition until a subsequent reporting period. Further, this comparison indicates that 94 cases completed by a guilty plea or conviction had not received a sentence as of the end of the FY 2001/2002 reporting period.

The results presented in this table reflect substantial differences in case dispositions across the grantee cycle. Between FY 1998 and 2002, the percentage of convictions resulting in a prison sentence or jail term increased from 79% to 93%. This may reflect a true increase in prosecution efficiency and quality.

The data presented above from CAVP Program quarterly progress reports illustrates substantive longitudinal changes in several categories of sexual abuse prosecution, including increases in the

the number of convicted cases resulting in prison or jail. All of these findings address primary goals of the CAVP Programs. However, these data do not address the two mandated evaluation requirements described in PC§ 999Y: 1) A comparison of conviction rates of CAVP-funded prosecution units with those of non-grantee counties and 2) a quantified comparison of the annual per capita costs of the CAVP-funded programs with the costs of prosecuting crimes in non-funded counties. These requirements will be addressed in the following section.

SECTION IV: 2002 Statewide Child Sexual Abuse Prosecution Survey

Methods

The purpose of this section is to summarize the findings of a statewide survey of prosecution practices in child sexual abuse cases. This survey was constructed from the feedback of district attorneys in counties not funded by OCJP. The results presented below will be formatted in a comparison between those nine counties funded by CAVP Program between FY 1998 and 2001 and non-funded counties. Within the survey, respondents were asked to report information regarding child sexual abuse prosecution practices for FY 2001-2002.

In late January 2002, researchers within OCJP's Program Evaluation Division met with Children's Branch program staff to assess data sources and discuss the direction of the evaluation. Researchers determined that the inclusion of non-funded counties in data collection efforts required that they be contacted. The primary purpose in calling the non-grantee counties was to determine the contact person who would receive and complete the survey. In addition, the researchers wanted to assess the feasibility of data collection in non-grantee counties. Thus, in February and March, researchers developed a telephone interview guide and called all non-grantee counties. Questions related to the feasibility of data collection were open-ended, and were later coded and entered into a database for analysis. Because the researchers were pursuing a high return rate among non-grantee counties, those counties' responses and suggestions to queries about data collection were taken into account in survey design.

In order to conduct telephone interviews, researchers began with a list of Statutory Rape Vertical Prosecution (SRVP) Program grantee contacts. The SRVP Program is also funded by OCJP and although it's target service population differs from the CAVP Program, both programs are focused on child sexual abuse. Researchers reasoned that SRVP contact persons might be the designated recipients of a survey related to child sexual abuse or would be able to name a designated contact person. The researchers were able to complete calls with all but four counties.

After completing the phone interviews, researchers began to design a survey to be sent to all counties. Letters were sent to all counties in April 2002 to inform them that they should expect to receive the survey. OCJP staff and researchers within the Program Evaluation Division, Children's Branch, and Executive staff reviewed and modified the survey. The final survey, titled "2002 Statewide Study of Child Sexual Abuse Prosecution in California", was mailed to grantee and non-grantee counties in June, with a due date of July 12, 2002 (see Appendix F). Survey research experts warn against sending mailed surveys without personal contact with respondents (Fowler, 2002). Because personal contact was made with most of the potential respondents, a high return rate was expected.

Knowing that many counties might have trouble answering questions that asked for exact figures, many questions were designed to allow respondents to choose a numerical or percentage

referrals they had received during a particular year, respondents simply had to choose among a series of numerical range categories (e.g., 1-49 cases, 50-75 cases, 75-100 cases). These estimated ranges were based upon the telephone interviews conducted with non-grantee counties. Other questions were formatted as categorical multiple-choice questions. Some questions were open-ended or contained an open-ended section for descriptions that would not necessarily be captured in closed-ended items. Although survey researchers generally prefer closed questions, closed questions are also criticized because they force respondents to choose among offered alternatives rather than answering questions in their own words (Converse & Presser, 1986). Therefore, in constructing the present survey, a balance between closed-ended and open-ended questions was implemented. After the July 12 deadline, a secondary mailing was made to those counties that had not responded. A second deadline of August 26th was made. After the second deadline, the remaining counties that had not replied were contacted by phone in a final attempt to gain a response.

Participants

A total of 46 counties completed and returned the survey instrument and were subsequently included in the following results. All nine of the FY 1998-2001 grantees replied, as well as 37 non-grantee counties. This sample analyzed by comparing response data of all grantee counties to data of non-grantee counties. The two groups are of a comparable average population size. It should be noted that of the 37 non-grantee respondents, 12 had been CAVP grantees at some point between FY 1986 and 1997.

Organization of Survey Results

In order to examine how the CAVP grantees differed from non-grantee counties on key areas related to the goals of the program, results from the statewide survey were organized into five sections:

- ❑ Organizational Structure: Variables related to how child sexual abuse prosecution efforts are organized in grantee and non-grantee counties, including whether offices are organized vertically, the models of vertical prosecution utilized, the number of prosecutors and investigators involved, and the average caseloads for these prosecutors and investigators.
- ❑ Processing of Cases: Variables related to processing of cases for both grantee and non-grantee counties, including the number of cases referred, common sources of case referrals, and the number of cases filed.
- ❑ Outcome of Cases: Variables related to case outcomes for both grantee and non-grantee counties, including the number of cases taken to trial, the number of convictions, the types of sentences, the average length of time between arrest and case disposition, the frequency of pretrial release, and the use of diversion.
- ❑ Victim Services: Variables related to victim services for both grantee and non-grantee counties, including the average number of times victims were interviewed, and the frequency and type of interagency agreements between district attorney's offices and victim services agencies.
- ❑ Prosecution Costs: Quantification of the annual costs of prosecuting child abuse crimes in grantee and non-grantee counties.

These five areas reflect the scope of the CAVP Program's goals and objectives and meet the evaluation mandates created by Penal Code §999y.

Results

Organizational Structure

Vertical Prosecution

Since a primary focus of the CAVP program is to facilitate a prosecutor's uninterrupted involvement with a case from beginning to end, it is critical to look at data related to how both grantee and non-grantee counties prosecute cases of child sexual abuse and the average caseload for prosecutors and investigators responsible for these cases.

Table 4.1 illustrates the number of grantee and non-grantee grantees that endorsed one of the three models of vertical prosecution as their most frequently used methods.

Table 4.1 – Model of Vertical Prosecution Most Frequently Used

	True Vertical	Major Stages	Unit Vertical	None
Grantee	9(100%)	0	0	0
Non-Grantee	19(51%)	10(27%)	8(21%)	0

All of the grantee counties reported using true vertical prosecution most frequently. It is somewhat surprising that all of the non-funded counties reported using some form of vertical prosecution, with over half endorsing true vertical prosecution, even though they were not required to do so by a funding agency. This may be influenced by, or a result of, funding available to those counties through the Statutory Rape Vertical Prosecution program.

Surveyed counties were also asked to report on how many prosecutors were involved in the prosecution of child sexual abuse and the percentage of time they spent in this area. Non-grantee counties reported having 3.9 prosecutors involved partially or fully in the prosecution of child sexual abuse cases, while grantee counties reported slightly less at 3.77 prosecutors. However, the reported percentage of time that prosecutors from grantee counties spent on CSA cases on average was greater than non-grantee counties (70 % vs. 56%).

Surveyed counties were also asked to report how many investigators were involved in CSA cases and what percentage of time they spent in this area. Grantee and non-grantee counties were similar in the number of investigators that were involved in cases of child sexual abuse (2.4 and 2.42 respectively). However, the average time spent investigating CSA cases differed considerably between the two groups, with investigators from grantee counties spending approximately 58% of their time on cases of child sexual abuse, compared to 38% in non-grantee counties. These results seem to indicate that in the case of grantee counties, investigators and prosecutors involved in cases of child sexual abuse spend more of their time in this area.

Average Caseload

Along with being involved in cases continuously, prosecutors and investigators funded by the CAVP Program should have reduced caseloads to help facilitate the process of vertical prosecution. To address this goal, surveyed counties were asked to report on whether prosecutors and investigators involved in the prosecution of child sexual abuse had reduced caseloads and if so, the extent of the reduction. Sixteen (43%) of the non-grantee counties and all of the grantee counties reported reduced caseloads for district attorneys responsible for the prosecution of child sexual abuse. For investigators, only 6 (16%) non-funded counties reported reduced caseloads, compared to seven grantees (77%). Table 4.2 illustrates the reduction in caseload for both prosecutors and investigators (by percentage) for both funded and non-funded counties.

Table 4.2 – Percentage of Caseload Reduction for Prosecutors and Investigators

		The number of counties reporting caseload reductions of 1-30%	The number of counties reporting caseload reductions of 31-50%	The number of counties reporting caseload reductions of more than 50%
Prosecutors	<i>Grantee</i> (n = 9)	2 (22%)	3 (33%)	4 (44%)
	<i>Non-grantee</i> (n = 15) ³	8 (53%)	5 (33%)	2 (13%)
Investigators	<i>Grantee</i> (n = 7)	2 (28%)	4 (57%)	1 (14%)
	<i>Non-grantee</i> (n = 6)	5 (83%)	1 (16%)	0

These results indicate that grantee counties more often have reduced caseloads for CSA prosecutors and investigators and also have a greater percentage caseload reduction on average than non-grantee counties.

Processing of Cases

Referral of Cases

The following is a comparison of grantee and non-grantee respondents on a number of questions related to the processing of referrals of child sexual abuse in their counties. First, respondents were queried about whether they engaged in outreach efforts to increase the number of referrals. Eighty-nine percent (89%) of grantee counties reported making efforts in this area, compared to 51% of non-grantee counties.

Respondents were also asked to briefly describe the outreach efforts that were made. The most commonly reported activity involved making presentations about child sexual abuse reporting at meetings of community and school organizations. Other responses included television ads, providing CSA training and education to local government and community-based organization staff, and development of closer ties with law enforcement. Respondents were also asked to report if they felt that their office had encountered obstacles or problems obtaining referrals. Only one grantee funded county reported problems in this area, compared to 9 (25%) of non-funded counties. The most commonly reported problem was failure by mandated reporters to notify child protective services and law enforcement about prospective cases.

³ In many questions, some counties did not provide a response. Therefore, the sample size for each table may not equal the total of 46.

cases had been referred to them in FY 2001-2002. Respondents were asked to mark a categorical number range that was most appropriate to their county. Responses are presented in the following categories: (1) number of counties reporting 1-49 cases, (2) number of counties reporting 50-99 cases, and (3) number of counties reporting over 100 cases. Table 4.3 provides results on how funded and non-funded respondents chose between these categorical case ranges in these two areas.

Table 4.3 – The Number of Cases Referred

	The number of counties reporting 1-49 cases	The number of counties reporting 50-99 cases	The number of counties reporting 100 cases or more
Grantee (N = 9)	2 (22%)	1 (11%)	6 (66%)
Non-grantee (N = 36)	11 (30%)	8 (22%)	17 (47%)

These data illustrate several interesting trends. First, a greater percentage of funded counties reported receiving more than 100 referrals than non-funded counties (66% vs. 47%). This increase may reflect increased outreach efforts made by the grantees, although it is difficult to infer this without clear numerical data. However, subsequent analysis illustrates that of the eight grantees that reported making outreach efforts, five (62%) received over 100 case referrals. This suggests a link between outreach efforts and number of case referrals.

To provide a better understanding of the referral process, respondents were asked to list the three most common sources of referrals for their office. A free response format was utilized and subsequent information was categorized during data analysis. Table 4.4 provides the most common responses of both grantee and non-grantee counties.

Table 4.4 – Most Common Sources of Child Sexual Abuse Referrals

	Resource	Percentage of counties reporting category as a common source of CSA referrals
Grantee	Police/County sheriff/other law enforcement	100%
	Child Protective Services/Social Services/Department of Children’s Services	67%
	Citizen Calls	33%
Non-grantee	Police/County sheriff/other law enforcement	100%
	Child Protective Services/Social Services/Department of Children’s Services	67%
	School referral	21%

Both the groups were identical in their first and second most common responses (all of the respondents listed law enforcement and 67% in each group reported CPS as a common referral source). However, the third category in the grantee group is surprising. None of the non-grantee respondents listed citizen calls as a common source of referrals, and none of the grantee respondents listed school referrals. Perhaps the difference in the counties reporting calls from citizens as opposed to schools is an indicator of different types of community outreach.

After receiving a referral of reported child sexual abuse, the prosecutor must assess whether charges can be filed against the alleged perpetrator. As mentioned previously, the likelihood of charges being filed depends on a number of factors, such as cooperation by the victim and the victim's family and the existence of evidence corroborating the victim's allegations. The prosecutor's resources also may impact whether charges are filed as well. As the objective of the CAVP Program is to facilitate increased prosecution efforts, it is presumed that grantee counties would report more case filings than non-grantee counties.

To address this issue, respondents were asked to report on the number of cases that were filed by the office for FY 2001. Table 4.5 presents survey data by grantee and non-grantee counties. As in Table 4.3, responses were gathered categorically.

Table 4.5 – The Number of Cases Filed

	The number of counties reporting 1-49 cases	The number of counties reporting 50-99 cases	The number of counties reporting 100 cases or more
Grantee (N = 8)	4 (50%)	1 (12%)	3 (37%)
Non-grantee (N = 35)	15 (42%)	9 (25%)	11 (31%)

The results of Table 4.5 do not suggest a large difference between the two groups on the number of case filings. However, it is important to remember that the decision to decline a case for prosecution is made for a variety of reasons outside of the prosecutor's control. To examine this, respondents were asked to report if their office often encountered obstacles or problems when filing CSA charges. Interestingly, 66% of grantees and 70% of non-grantees reported difficulties in this area. The most commonly reported problems were 1) a lack of support from the victim and the family and 2) a lack of resources and proper training.

Outcome of Cases

This section will be structured to compare how cases of child sexual abuse were disposed in both grantees and non-grantee counties. To examine this, data was collected in the following areas: percentage of filed cases that eventually went to trial, percentage of filed cases that were resolved by plea without trial, percentage of filed cases that were eventually dismissed, and percentage of filed cases that led to a conviction. Information was also obtained on how counties utilized diversion strategies, the average length of time between arrest and final disposition, and what sentences were often obtained following a conviction. Since a primary motivation of the CAVP Program is to facilitate more efficient prosecution efforts, it was presumed that grantee counties would report more successful case resolutions involving convictions, diversion, or pleas, fewer case dismissals, and shorter periods of time between arrest and final disposition.

To begin, respondent counties were asked to report on the percentage of filed cases that eventually went to trial. Table 4.6 presents data from grantee and non-grantee counties in a categorical percentage range format.

	The number of counties reporting less than 10%	The number of counties reporting 10-19%	The number of counties reporting more 20-29%	The number of counties reporting more 30-39%	The number of counties reporting more 40-49%
Grantee (n = 9)	6 (66%)	1 (11%)	1 (11%)	1 (11%)	0
Non-grantee (n = 35)	25 (71%)	5 (14%)	3 (8%)	2 (6%)	0

Results of the table suggest that for both funded and non-funded counties, few of the cases filed eventually went to trial. More specifically, a large portion of the entire sample of respondents (70%) reported that less than 10% of cases filed went to trial. No distinct differences are apparent between the two groups in this area. This survey information correlates with information reported by grantees and depicted in Table 3.2, which shows that 85% of those cases referred for trial were resolved by a guilty plea.

Because longer periods of time to the final disposition of cases are associated with more negative psychological outcomes for the victim and the victim's family, it is of interest to identify the average length of time between arrest and the final disposition of the case. Respondents were asked to provide information regarding the average length of time between these two events in a categorical response format: less than 3 months; more than 3 months but less than 6 months; more than 6 months but less than 9 months, more than 9 months but less than 12 months, more than a year, and don't know. Table 4.7 provides responses by grantee and non-grantee counties.

Table 4.7 – Average Length of Time Between Arrest and Final Case Disposition

	The number of Counties reporting "Less than 3 months"	The number of Counties reporting "More than 3 months, less than 6"	The number of Counties reporting "More than 6 months, less than 9 months"	The number of Counties reporting "More than 9 months, but less than 12 months"	The number of Counties reporting "More than a year"	The number of Counties reporting "Don't Know"
Grantee (n = 9)	0	5 (55%)	3 (33%)	0	0	1 (11%)
Non-grantee (n = 36)	1 (3%)	12 (33%)	10 (28%)	6 (17%)	1 (3%)	6 (17%)

For both groups, the majority of categorical responses were made for time periods between 3 months and 9 months. In this area, 88% of grantee counties reported an average length of time within these parameters, compared to 61% of non-grantee counties. Only one non-grantee county reported an average length of time shorter than this. It should be noted that many respondents made additional comments regarding this question. It was common for respondents to report that it was difficult for them to pick a single time period for all cases, since many factors (i.e. type of charges, seriousness of crime) may have an impact on the length of the case. Several respondents also reported that they had no database in place to track such information quantitatively. However, grantee counties were required to track and report this information, and that data is reflected in table 3.4.

resolved by plea. Table 4.8 presents this data in a categorical percentage range format for both funded and non-funded counties.

Table 4.8 – Percentage of Cases Resolved by Plea

	The number of counties reporting less than 10%	The number of counties reporting 10-49%	The number of counties reporting more 50-74%	The number of counties reporting more 75% or more
Grantee (n =9)	0	0	2 (22%)	7 (77%)
Non-grantee (n = 35)	0	4 (11%)	8 (23%)	22 (63%)

This table illustrates that resolution by plea was a common outcome for both grantee and non-grantee counties. This explains the low average percentage of cases going to trial reflected in table 4.6. Overall, grantee counties appear to have received a guilty plea more than non-grantee counties (77% vs. 63% in the highest percentage category).

Respondents were then asked to report on the percentage of cases that resulted in a conviction. Table 4.9 presents this data in a categorical percentage range format for both funded and non-funded counties.

Table 4.9 – Percentage of Cases Resulting in Conviction

	The number of counties reporting 50% or less	The number of counties reporting 51-60 %	The number of counties reporting 61-70%	The number of counties reporting 71-80%	The number of counties reporting 81%-90%	The number of counties reporting 91-100%
Grantee (n =9)	0	0	1 (11%)	0	2 (22%)	6 (66%)
Non-grantee (n = 33)	2 (6%)	1 (3%)	2 (6%)	4 (12%)	12 (36%)	12 (36%)

The results presented in this table suggest that when prosecutors are able to file a case, a positive resolution (i.e. conviction) is highly likely, for both grantees and non-grantee counties. Eighty-eight percent of grantee counties reported a conviction rate of 81% or higher, compared to 72% of non-funded counties.

Counties participating in the survey were also asked to provide information about their use of diversion strategies. Diversion occurs prior to trial, for the purpose of avoiding the costs of trial and unnecessary trauma to the victim. Diversion is based on a guilty plea, and reflects an agreement between the defendant and the prosecutor in accordance with Section 1000.12 of the Penal Code. Diversion defers judgment of the defendant contingent upon the defendant's referral to, and completion of, a treatment program approved by the prosecutor. Failure of the defendant to complete the treatment program may result in an entry of judgment by the court and a criminal sentence. Respondents were asked to report how often their office utilized diversion strategies: always, usually, sometimes, and never. Table 4.10 presents the number of counties replying in each category for both funded and non-funded counties.

Table 4.10 – Use of Diversion Strategies

	The number of counties reporting “Always”	The number of counties reporting “Usually”	The number of counties reporting “Sometimes”	The number of counties reporting “Never”
Grantee (n =9)	0	2 (22%)	0	7 (77%)
Non-Grantee (n = 36)	0	6 (17%)	0	30 (83%)

As suggested by the data presented above, both groups rarely used diversion strategies. It may be that because convictions were achievable in such a high percentage of cases for both funded and non-funded counties, the use of diversion strategies was not necessary to ensure a positive outcome for prosecutors. In a free response space for additional comments several respondents provided information for their county’s position on diversion strategies. Several counties reported that they felt that diversion was only feasible in misdemeanor cases. Other respondents reported that diversion was only pursued where the circumstances of the case made obtaining a conviction unlikely or impossible. Several respondents reported being opposed to diversion as an option.

To assess the outcome of cases that resulted in a conviction, respondents were asked to report the percentage of cases that received the following sentences: prison, jail, California Youth Authority (CYA), probation (no jail), diversion, or other. Respondents were asked to write down an estimated percentage amount for each category. Table 4.11 presents data from both grantee and non-grantee counties.

Table 4.11 – Sentence Outcome of Cases by Percent⁴

	Prison	Jail	CYA		Diversion	Other
Grantee	45.3%	37.0%	11.9%	5.4%	0.5%	3.6%
Non-Grantee	37.2%	40.8%	1.6%	8.8%	0.7%	0.8%

As might be expected, prison and jail were the most common outcomes reported by both groups. Overall, there does not appear to be any significant differences between grantee and non-grantee counties, except in the CYA category, where grantee counties reported more cases receiving this sentencing outcome. Several respondents commented that their information was estimated, as no data was collected to track such outcomes. However, grantees are required to track and report this information, and it is presented in table 3.5.

In an effort to understand circumstances that commonly contributed to a failed conviction, respondents were asked to list the three most common reasons for such an outcome. A free response format was utilized and subsequent information was categorized during data analysis. Table 4.12 provides the most common responses of both grantee and non-grantee counties.

⁴ Please Note: Percentage totals for each group do not equal 100%. As percentage response were provided in a free response format, respondents may not have made certain that their percentage total for all categories combined equaled 100%.

Abuse

	Factors	Percentage of counties reporting category as a common factor
Grantee	Lack of corroboration/Insufficient evidence	77%
	Lack of credibility in child	44%
	Poor testimony by child/Inability to testify	33%
	Plausible defense	33%
	Child non-cooperative or rescinds allegations	22%
Non-Grantee	Lack of corroboration/Insufficient evidence	70%
	Lack of credibility in child	32%
	Poor testimony by child/Inability to testify	29%
	Child non-cooperative or rescinds allegations	24%
	Poor investigation	19%

Responses to this query produced similar results in both grantee and non-grantee counties. It is noteworthy that the three most common responses were identical for both groups: Lack of corroboration/Insufficient evidence, Lack of credibility in child, and Poor testimony/Inability to testify. Each of these categories suggests variables often beyond the control of the prosecuting office. It is also noteworthy that poor investigation was a common problem for seven non-grantee counties (19%), in comparison to only one grantee county. One grantee respondent commented that CAVP funding allowed their county to conduct attorney-led investigations that the respondent believed contributed to more convictions.

Surprisingly, a lack of family support or family interference with an investigation was not a commonly reported barrier for either group individually. This factor was previously mentioned as a common problem in the survey response reflected in table 4.5. However, when considering the responses of the entire sample (grantee and non-grantee combined), this category did constitute a more common response (15%).

Victim Services

The following section examines factors related to how grantee and non-grantee counties handled aspects of child sexual abuse cases related to the victim's needs. This includes establishing interagency agreements with relevant service providers (e.g. child welfare, health/medical, and educational agencies), providing services through a victim-witness program, and minimizing the number of victim interviews through the use of a multidisciplinary interview center (MDIC).

First, respondents were asked to report on whether they had existing interagency agreements in any related area. Twenty-two (59%) non-funded counties and all of the grantees reported having some type of interagency agreement. Respondents were then asked to report whether such an agreement was formalized by an interagency protocol that was signed by all parties. Eighty-eight percent of grantees (one grantee reported not knowing for certain) and 20 of the 22 non-grantee counties with interagency agreements reported having a formalized protocol. Finally, respondents were asked to report on whether their interagency protocol conformed to the minimum requirements established by the Children's Justice Act. The majority of respondents for both groups (54% for non-grantee counties and 66% of grantees) reported that their interagency protocol met these requirements.

In summary, grantee counties reported more interagency agreements, compared to non-grantee counties. However, the two groups did not differ when comparing the percentage of formalized protocols that met requirements of the Children's Justice Act.

Victim-Witness Programs

Survey respondents were asked to provide information about victim-witness services that their office provided or coordinated with other agencies. First, respondents were asked to report on how many victims were served by their office's victim-witness program. Grantees reported serving 248 victims on average. Only 22 of the non-grantee respondents provided information to this question, with an average 150 victims served. In a free-response section, many of the non-grantee counties that did not respond to the question stated that the probation department coordinated victim-witness services; therefore, they could not provide the necessary information. The lack of response by the non-grantee counties to this question (59% provided no information) makes accurate comparison difficult. However, perhaps the lack of reporting on the part of non-funded counties may be considered an indicator of increased coordination of services on the part of the grantees.

To clarify the type of interagency relationships that both grantee and non-grantee counties have developed, respondents were asked to report if they coordinated services in any of the following areas: Victim-Witness Programs, Rape Crisis Centers, Child Protective Services, or Others.

Table 4.13 presents the responses for both grantee and non-grantee counties.

Table 4.13 – Number of Counties Reporting Coordination with Victim Services Agencies

	Victim-Witness Program	Rape Crisis Center	Child Protective Services	Others
<i>Grantee</i>	8 (88%)	6 (66%)	7 (77%)	6 (66%)
<i>Non-grantee</i>	34 (94%)	26 (72%)	32 (88%)	18 (50%)

Results presented above illustrate that a large portion of both groups reported coordinating services in all of the listed areas. No significant differences are apparent between grantee and non-grantee counties. Respondents who marked "Others" were asked to specify the nature of the service coordination in a free response format. Common responses of service coordination in this area were mental health services and law enforcement.

Respondents were asked to provide information about the areas of service that their victim-witness program provided. Five category areas were listed for respondents to choose from: Crisis Intervention Services, Resource & Referral Assistance, Follow-up Assistance, Criminal Justice Orientation, and Court Escort and Support. In each area, respondents were asked to report on

Table 4.14 provides responses from both grantee and non-grantee counties in each area.

Table 4.14 – Frequency of Victim-Witness Services by Area

		Number of counties reporting “Always”	Number of counties reporting “Usually”	Number of counties reporting “Sometimes”	Number of counties reporting “Rarely”	Number of counties reporting “Never”	Number of counties reporting “Don’t Know”
Crisis Intervention Services	<i>Grantee</i> (N = 9)	5 (55%)	3 (33%)	0	0	1 (11%)	0
	<i>Non-grantee</i> (N = 33)	17 (51%)	5 (15%)	7 (21%)	1 (3%)	1 (3%)	2 (6%)
Resource & Referral Assistance	<i>Grantee</i> (N = 9)	7 (77%)	2 (22%)	0	0	0	0
	<i>Non-grantee</i> (N = 33)	24 (72%)	5 (15%)	2 (6%)	0	0	2 (6%)
Follow-up Assistance	<i>Grantee</i> (N = 9)	5 (55%)	3 (33%)	0	1 (11%)	0	0
	<i>Non-grantee</i> (N = 32)	21 (66%)	9 (28%)	0	0	0	2 (6%)
Criminal Justice Orientation	<i>Grantee</i> (N = 9)	7 (77%)	1 (11%)	0	1 (11%)	0	0
	<i>Non-grantee</i> (N = 32)	21 (66%)	7 (22%)	2 (6%)	0	0	2 (6%)
Court Escort & Support	<i>Grantee</i> (N = 9)	4 (44%)	4 (44%)	0	0	1 (11%)	0
	<i>Non-grantee</i> (N = 33)	19 (57%)	7 (21%)	5 (15%)	0	0	2 (6%)

Results from this section of questions suggest that many of the grantee and non-grantee counties provided services in the specified areas. In both groups, a significant percentage of counties reported providing each category of service “Always” or “Usually”. It is also important to consider that only 33 (89%) of the total non-grantee sample responded to this section of question. It may be reasonable to assume that the non-responding portion of this sample does not provide services in these areas or that these services are not tied to their office.

Interviewing Victims

To examine the interview practices of grantee and non-grantee counties, respondents were asked to report on several areas: The average number of times sexual abuse victims were interviewed and whether their county has a multidisciplinary interview center (MDIC). To address the former area, respondents were asked to report on the number of interviews that were conducted with victims. Respondents were asked to respond in a numerical category format. Table 4.15 presents data for both funded and non-funded counties.

	One interview	Two interviews	Three to five interviews	More than five Interviews
Grantee (N = 8)	1 (11%)	5 (55%)	2 (22%)	0
Non-grantee (N = 37)	6 (16%)	22 (59%)	9 (24%)	0

In this area, grantee and non-grantee counties reported in a remarkably similar manner. For both groups, the “Two interviews” category was the most common response. No differences are discernable between groups in these data.

Multidisciplinary Interview Center (MDIC)

To illustrate the usage and impact of a coordinated interviewing effort, respondents were first asked to report on whether their county had a MDIC. Twenty-seven (72%) of the non-grantee counties and six (66%) of the grantee counties reported having a MDIC. Respondents who responded affirmatively to this question were asked to report on several other areas: how long their MDIC had been in operation and if they felt that the MDIC had reduced the number of times that victims were interviewed. On the former question, non-grantee counties and grantee counties reported operating a MDIC for 5.41 and 5.67 years on average respectively. On the question of whether the MDIC had reduced the number of victim interviews, all of the respondents from both groups reported affirmatively.

Prosecution Costs

Section 999y of the penal code requires the quantification of the annual per capita costs of the Child Abuser Prosecution Program compared to the costs of prosecuting child abuse crimes in non-funded counties. To investigate the costs of prosecuting cases of child sexual abuse, respondents were asked to report the budgetary amounts spent by their office for efforts in this area. Costs were requested in four areas: Prosecutors, DA investigators, victim-witness, and other expenses. In cases where actual data was too difficult for respondents to access, respondents were requested to provide estimated costs. Table 4.16 provides data in all four areas for both funded and non-funded counties.

Table 4.16 – Reported Costs of Child Sexual Abuse Prosecution

Category of Cost		Reported Costs
Prosecutor(s)	Grantee	\$270,369
	Non-grantee	\$252,690
DA Investigator(s)	Grantee	\$101,884
	Non-grantee	\$81,280
Victim-Witness	Grantee	\$35,176
	Non-grantee	\$44,713
Other	Grantee	\$30,135
	Non-grantee	\$24,865

Results suggest that funded counties spent significantly more than non-funded counties on prosecutors, DA investigators, and in the “Other” category⁵. Respondents were asked to specify

⁵ It is important to note that of the 37 non-funded counties who responded to the survey, only 13 providing data to these questions. Therefore it is difficult to assess the accuracy of the differences between the two groups in this area of the survey.

response format included transportation, support staff, overhead, and operating costs associated with an MDIC.

The lack of lower prosecution costs for funded counties in comparison to non-funded counties is surprising. Since the CAVP Program is designed to improve prosecution practices, it may be assumed that increased efficiency should translate into reduced costs. One possible confound to the comparison of the two groups is that many of the non-grantee counties were CAVP grantees in previous funding cycles (between FY 1986 and 1997). It may be that many of the practices and organizational structures created during their time of funding have had a long-term impact on cost effectiveness of prosecution efforts. To examine this, average costs of respondents who have never been CAVP grantees were compared to those of respondents who were at some time grantees. Table 4.17 presents data for both groups in the same expense categories as illustrated in Table 4.16 above.

Table 4.17 – Reported Costs of Child Sexual Abuse Prosecution - Revised

Category of Cost			Reported Costs
Prosecutor(s)	<i>Funded</i>	<i>at</i>	\$245803
	<i>some time</i>		
	<i>Never funded</i>		\$278666
DA Investigator(s)	<i>Funded</i>	<i>at</i>	\$83244
	<i>some time</i>		
	<i>Never funded</i>		\$95575
Victim-Witness	<i>Funded</i>	<i>at</i>	\$30887
	<i>some time</i>		
	<i>Never funded</i>		\$56790
Other	<i>Funded</i>	<i>at</i>	\$33309
	<i>some time</i>		
	<i>Never funded</i>		\$11659

Results of these revised results illustrate several significant differences between the two new groups. Costs in the prosecutor, DA investigator, and victim-witness categories are now lower for counties who have been funded at some point when compared to counties that have never been funded, with especially striking differences being shown in the final two categories. Interestingly, funded counties still spent a great deal more than never funded counties in the “other” categories. Overall, these differences may reflect increased efficiency in prosecution practice and organizational structure in those counties that received CAVP funding at some point between 1986 and the present, in comparison to those that have not⁶. A more detailed cost analysis, comparing unit costs between funded and non-funded counties, should be conducted in the future to get more precise results.

Section V: Findings and Recommendations

Selected Findings

⁶ It is also worth noting that counties who have received funding reported serving significantly more people on average through victim witness services than counties that never received funding (297 vs. 193).

As stated above, the CAVP Program has four objectives:

- To assist in the implementation of vertical prosecution practices in funded counties;
- To implement the assignment of highly qualified prosecutors and investigators to CAVP cases;
- To facilitate the assignment of reduced caseloads for program funded prosecutors and investigators; and
- To coordinate services with local community agencies.

The ultimate outcome of these objectives is two-fold. First, these objectives aim to support an intensified effort by CAVP funded offices to prosecute felony child abuse cases. Second, it aims to minimize emotional trauma child victims experience during legal proceedings. In the following section, findings derived from previously presented data will be summarized from each of the three areas of analysis.

The Legislative Analyst Office (LAO) has directed OCJP to address five questions in all evaluation reports:

- 1) Were the grant objectives achieved?
- 2) Did the program elements work?
- 3) Were funds spent efficiently?
- 4) Was the intended problem addressed?
- 5) What lessons were learned for other agencies?

Findings from Sections III and IV are summarized to address each question:

Question #1 - Were the grant objectives achieved?

Progress Report Data

Finding #1 True Vertical Prosecution was utilized in the majority of cases by CAVP grantees (82% in FY 2001-2002), with Major Stages and Unit Vertical Prosecution being utilized in small percentages of cases (8% and 10% in FY 2001-2002, respectively).

Survey Data

Finding #2 All grantee counties reported utilizing True Vertical Prosecution as their most common method of child sexual abuse prosecution, in comparison to only 51% of non-grantee counties.

Finding #3 While the two groups did not differ significantly on the number of prosecutors and investigators assigned to CSA cases, the average amount of time spent in this area was higher for grantee counties over non-grantee counties (prosecutors: 70% vs. 56%; investigators: 58% vs. 38%)

Finding #4 All of the grantee counties reported reduced caseloads for prosecutors, compared to 43% of non-grantee counties. In comparison to the non-grantee counties reporting reduced prosecutor caseloads, grantee counties reported a higher case reduction on average.

Finding #5 77% of the grantee counties reported reduced caseloads for investigators,

reduced investigator caseloads, more grantee counties reported a higher case reduction than non-grantee counties.

Finding #6 All of the grantee counties reported having an interagency agreement, compared to only 59% of non-grantee counties.

Question #2 - Did the program elements work?

Survey Data

Finding #7 For the entire sample (both grantee and non-grantee), the percentage of cases actually going to trial was very low on average. Seventy percent of the sample reported that 10% or less of filed cases went to trial. However, this finding may be explained, at least in part, by the fact that resolution by plea was the most common outcome for both groups.

Finding #8 The majority of the sample reported that the average length of time between arrest and final case disposition was between three and nine months.

Finding #9 Neither group used diversion strategies extensively.

Question #3 - Were funds spent efficiently?

Survey Data

Finding #10 No significant reduction in costs was evident between the most current group of grantees and non-grantee counties. However, when average costs were compared between counties that had received funding at any point in the history of the CAVP Program to those that had never received funding, sizeable cost reductions were evident in prosecution and investigator costs, as well as victim-witness costs for those counties funded by the CAVP Program at some point. This may reflect increased efficiency in prosecution and victim services for those counties that implemented CAVP Program guidelines at some point between FY 1986 and the present.

To address question three more completely, a review of internal OCJP grant files was conducted. This review revealed the following findings:

The CAVP program was allocated \$1,304,000 in State General Funds each year for four years during the period of this evaluation, for a total of \$5,216,000. All of these funds were spent by the nine CAVP projects for program purposes without any funds reverting as unspent funds.

- a. The budgets of all nine CAVP projects had been reviewed by OCJP staff prior to the finalization of the grant award agreements to ensure that all budgeted line items were consistent with Program Guidelines and appropriate for the project, and to identify any items requiring special approval.
- b. A review of the grant applications indicated that funded projects also provided resources, such as an additional prosecutor, a dedicated investigator and a victim advocate, to enhance the CAVP project beyond what the grant funds provided.
- c. Of the nine CAVP projects, six had received formal site visits, between 4/18/99 and 4/17/2000, during which OCJP staff had determined that the projects rate of expenditure was commensurate with the elapsed period of the grant, and that the

award agreement.

- d. Of the nine CAVP projects, six had received compliance and fiscal monitoring visits which reviewed accounting records that support the amounts claimed for reimbursement on the Report of Expenditures and Request for Funds form, the OCJP Form 201. During these reviews, transactions were tested in expenditure categories deemed material to the grant to provide reasonable assurance that the expenses are related to the grant, proper records are maintained, expenditures are properly authorized and recorded, and the OCJP Form 201 is fairly stated in accordance with program requirements. Findings resulting from these fiscal reviews were referred to the assigned OCJP Program Specialist for corrective action.
- e. Only one of the nine projects did not receive either a formal site visit or a compliance and fiscal monitoring visit during the four-year period reviewed by this evaluation. That project did receive an informal site visit on 11/15/00 during which OCJP staff observed that the project was “doing a very good job” and was “accomplishing much with minimal resources”.
- f. All nine CAVP projects were audited each year by an independent auditor who submitted a copy of the audit report to OCJP for review. Audit reports were received from all nine projects for each year of the three fiscal years between 7/1/98 and 6/30/01. As a result of a backlog of audit report reviews, only the audit reports for the first year have been reviewed by OCJP as of the date of this report. The audit reports for the second two years are still pending review by OCJP, and the audit reports for the fourth year are not due until 12/30/02. Of the nine audit reports reviewed, only one audit report revealed disallowed costs in the amount of \$461.00. During subsequent communications with the project, the costs were explained by the project to the satisfaction of OCJP staff, and the costs were allowed.

Question #4 - Was the intended problem addressed?

As one of the ultimate issues to be addressed by CAVP funding is intensified efforts in child sexual abuse prosecution, the following findings address Question #4:

Progress Report Data

Finding #11 While the number of case referrals and cases accepted was reduced from the beginning of the funding period to the end (12% and 8%, respectively), commensurate reductions in the number of cases rejected were also shown (5%). This may reflect a real reduction in the number of sexual abuse cases being generated. However, no conclusive inferences can be made.

Finding #12 The number of convictions increased 150% from FY 1998 to 2002. This increase occurred while the occurrence of cases resulting in diversion outcomes, dismissal, and pleas remained relatively constant.

Finding #13 Percentage of convicted cases that resulted in either a prison sentence or a jail term for the defendant increased from 79% in FY 1998-1999 to 93% in FY 2001-2002.

Survey Data

Finding #14 Both groups reported law enforcement and CPS as the most common referral sources. However, only grantee counties reported citizen calls as a significant source of referrals. This may reflect increased community outreach.

Finding #15 Lack of corroboration/insufficient evidence, lack of credibility in child, and poor testimony by the child/inability to testify were the most commonly reported factors influencing conviction outcomes for both grantee and non-grantee counties.

Finding #16 A high percentage of non-grantee counties (72%) and grantee counties (66%) reported having a MDIC, to minimize the need for repeated child interviews. All respondents reported it to be beneficial to the reduction of interviews.

Recommendations

The following recommendations emerged from the data presented above:

- 1) As suggested in Finding #10, costs related to child sexual abuse prosecution were not significantly lower for current CAVP funded counties in comparison to non-funded counties. However, differences were found when comparisons were made between those counties never funded by CAVP versus those that had received funding at some time between FY 1986 and FY 1997. This suggests that changes in prosecution practices are implemented by CAVP funding and may remain stable after CAVP funding has ceased. Therefore, it may be useful in future grant cycles to utilize the CAVP Program as seed money for those counties that have never been funded before. As illustrated in Table 2.1, only 29 of the 58 counties have received CAVP funding from the program's inception. Of those 29 counties, 14 have received funding multiple times.
- 2) As illustrated in Finding #14, community outreach is a significant asset of the CAVP program. All reasonable steps should be taken to continue to pursue and, if possible, strengthen efforts in this area to increase public awareness of the problem of child abuse and the need for citizen involvement in reporting suspected cases of abuse.
- 3) As illustrated in Finding #16, the use of Multidisciplinary Interview Centers (MDIC) is a beneficial component to the CAVP Program. In future funding periods, all reasonable steps should be taken to continue to support efforts in this area.
- 4) While the progress report data used in this report was extremely useful in examining outcomes of CAVP funding from FY 1998 to 2002, information in separate categories were collected independently of each other and do not allow more in-depth comparisons of how key aspects of individual cases facilitated or hindered prosecution efforts. For example, grantees are required to note how many cases were prosecuted utilizing one of the three models of vertical prosecution and are required to report how many cases resulted in convictions for a given three-month period. However, no tie is made between these two variables. Therefore, it is not possible to ascertain if more successful case dispositions were more clearly associated with one model of vertical prosecution over another. Future efforts should be made to construct a database system for CAVP

together for future analysis.

999q. The Legislature hereby finds that child abusers present a clear and present danger to the mental health and physical well being of the citizens of the State of California, especially of its children. The Legislature further finds that the concept of vertical prosecution, in which a specially trained deputy district attorney or prosecution unit is assigned to a case from its filing to its completion, is a proven way of demonstrably increasing the likelihood of convicting child abusers and ensuring appropriate sentences for such offenders. In enacting this chapter, the Legislature intends to support increased efforts by district attorneys' offices to prosecute child abusers through organizational and operational techniques that have already proven their effectiveness in selected counties in this and other states, as demonstrated by the California Career Criminal Prosecution Program, the California Gang Violence Suppression Program, and the Repeat Sexual Offender Prosecution Program.

999r. (a) There is hereby established in the Office of Criminal Justice Planning a program of financial and technical assistance for district attorneys' offices, designated the Child Abuser Prosecution Program. All funds appropriated to the Office of Criminal Justice Planning for the purposes of this chapter shall be administered and disbursed by the executive director of such office, and shall to the greatest extent feasible, be coordinated or consolidated with any federal or local funds that may be made available for these purposes.

The Office of Criminal Justice Planning shall establish guidelines for the provision of grant awards to proposed and existing programs prior to the allocation of funds under this chapter. These guidelines shall contain the criteria for the selection of agencies to receive funding and the terms and conditions upon which the Office of Criminal Justice Planning is prepared to offer grants pursuant to statutory authority. The guidelines shall not constitute rules, regulations, orders, or standards of general application. The guidelines shall be submitted to the appropriate policy committees of the Legislature prior to their adoption.

(b) The executive director is authorized to allocate and award funds to counties in which child abuser offender prosecution units are established or are proposed to be established in substantial compliance with the policies and criteria set forth below in Sections 999s, 999t, and 999u.

(c) The allocation and award of funds shall be made upon application executed by the county's district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the California Child Abuser Prosecution Program, be made available to support the prosecution of child abuser felony cases. Local grant awards made under this program shall not be subject to review as specified in Section 14780 of the Government Code.

999s. Child abuser prosecution units receiving funds under this chapter shall concentrate enhanced prosecution efforts and resources upon individuals identified under selection criteria set forth in Section 999t. Enhanced prosecution efforts and resources shall include, but not be limited to:

(a) Vertical prosecutorial representation, whereby the prosecutor who, or prosecution unit which, makes the initial filing or appearance in a case performs all subsequent court appearances on that particular case through its conclusion, including the sentencing phase.

(b) The assignment of highly qualified investigators and prosecutors to child abuser cases. "Highly qualified" for the purposes of this chapter means: (1) individuals with one year of experience in the investigation and prosecution of felonies or specifically the felonies listed in subdivision (a) of Section 999l or 999t; or (2) individuals whom the district attorney has selected to receive training as set forth in Section 13836; or (3) individuals who have attended a program

(c) A significant reduction of caseloads for investigators and prosecutors assigned to child abuser cases.

(d) Coordination with local rape victim counseling centers, child abuse services programs, and victim witness assistance programs. That coordination shall include, but not be limited to: referrals of individuals to receive client services; participation in local training programs; membership and participation in local task forces established to improve communication between criminal justice system agencies and community service agencies; and cooperating with individuals serving as liaison representatives of child abuse and child sexual abuse programs, local rape victim counseling centers and victim witness assistance programs.

999t. (a) An individual may be the subject of a child abuser prosecution effort who is under arrest for the sexual assault of a child, as defined in Section 11165, or a violation of subdivision (a) or (b) of Section 273a, or a violation of Section 273ab, or 273d, or a violation of Section 288.2 when committed in conjunction with any other violation listed in this subdivision.

(b) In applying the child abuser selection criteria set forth above: (1) a district attorney may elect to limit child abuser prosecution efforts to persons arrested for any one or more of the offenses described in subdivision (a) if crime statistics demonstrate that the incidence of such one or more offenses presents a particularly serious problem in the county; (2) a district attorney shall not reject cases for filing exclusively on the basis that there is a family or personal relationship between the victim and the alleged offender.

(c) In exercising the prosecutorial discretion granted by Section 999v, the district attorney shall consider the character, the background, and the prior criminal background of the defendant.

999u. Each district attorney's office establishing a child abuser prosecution unit and receiving state support under this chapter shall adopt and pursue the following policies for child abuser cases:

(a) Except as provided in subdivision (b), all reasonable prosecutorial efforts will be made to resist the pretrial release of a charged defendant meeting child abuser selection criteria.

(b) Nothing in this chapter shall be construed to limit the application of diversion programs authorized by law. All reasonable efforts shall be made to utilize diversion alternatives in appropriate cases.

(c) All reasonable prosecutorial efforts will be made to reduce the time between arrest and disposition of charge against an individual meeting child abuser criteria.

999v. (a) The selection criteria set forth in Section 999t shall be adhered to for each child abuser case unless, in the reasonable exercise of prosecutor's discretion, extraordinary circumstances require departure from such policies in order to promote the general purposes and intent of this chapter.

receiving state support under this chapter shall submit the following information, on a quarterly basis, to the Office of Criminal Justice Planning:

- (1) The number of child abuser cases referred to the district attorney's office for possible filing.
- (2) The number of child abuser cases filed for felony prosecution.
- (3) The number of sexual assault cases taken to trial.
- (4) The number of child abuser cases tried which resulted in conviction.

999w. The characterization of a defendant as a "child abuser" as defined by this chapter shall not be communicated to the trier of fact.

999x. The Office of Criminal Justice Planning is encouraged to utilize any federal funds which may become available in order to implement the provisions of this chapter.

999y. The Office of Criminal Justice Planning shall report annually to the Legislature concerning the program established by this chapter. The Office of Criminal Justice Planning shall prepare and submit to the Legislature on or before December 15, 2002, and within six months of the completion of subsequent funding cycles for this program, an evaluation of the Child Abuser Prosecution Program. This evaluation shall identify outcome measures to determine the effectiveness of the programs established under this chapter, which shall include, but not be limited to, both of the following, to the extent that data is available:

- (a) Child abuse conviction rates of Child Abuser Prosecution Program units compared to those of nonfunded counties.

- (b) Quantification of the annual per capita costs of the Child Abuser Prosecution Program compared to the costs of prosecuting child abuse crimes in nonfunded counties.

13836. The Office of Criminal Justice Planning shall establish an advisory committee which shall develop a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases and shall approve grants awarded pursuant to Section 13837. The courses shall include training in the unique emotional trauma experienced by victims of these crimes.

It is the intent of the Legislature in the enactment of this chapter to encourage the establishment of sex crime prosecution units, which shall include, but not be limited to, child sexual exploitation and child sexual abuse cases, in district attorneys' offices throughout the state.

13836.1. Such committee shall consist of 11 members. Five shall be appointed by the executive director of the Office of Criminal Justice Planning, and shall include three district attorneys or assistant or deputy district attorneys, one representative of a city police department or a sheriff or a representative of a sheriff's department, and one public defender or assistant or deputy public defender of a county. Six shall be public members appointed by the Commission on the Status of Women, and shall include one representative of a rape crisis center, and one medical professional experienced in dealing with sexual assault trauma victims. The committee members shall represent the points of view of diverse ethnic and language groups.

Members of the committee shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties. Staff support for the committee shall be provided by the Office of Criminal Justice Planning.

13836.2. (a) The office shall reimburse each county for the costs of salaries and transportation to the extent necessary to permit up to 10 percent of the staff of the district attorney to complete the course of training established pursuant to this chapter. The office shall prescribe the manner in which the training shall be obtained. The training shall be offered at least twice each year in both northern and southern California.

(b) The office shall seek certification from the State Bar of the course as a course which may be taken to complete the Criminal Law Specialist Certificate.

11165.1. As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:

(1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.

(2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.

(4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(c) "Sexual exploitation" refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

220. Every person who assaults another with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Section 264.1, 288 or 289 is punishable by imprisonment in the state prison for two, four, or six years.

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(e) As used in subdivisions (a), (b), and (c), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(g) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(h) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(i) A person who commits a violation of subdivision (a), (b), or (c) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

269. (a) Any person who commits any of the following acts upon a child who is under 14 years of age and 10 or more years younger than the person is guilty of aggravated sexual assault of a child:

(1) A violation of paragraph (2) of subdivision (a) of Section 261.

(2) A violation of Section 264.1.

(3) Sodomy, in violation of Section 286, when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(4) Oral copulation, in violation of Section 288a, when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(5) A violation of subdivision (a) of Section 289.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.

APPENDIX F: 2002 STATEWIDE SURVEY OF CHILD SEXUAL ABUSE PROSECUTION IN CALIFORNIA

Please answer all the survey questions for your county office by making a check mark (✓) or an (X) in the appropriate box. In addition, spaces are provided for some questions that require written responses to specific requests.

SECTION I – CHILD SEXUAL ABUSE PROSECUTION

1. How many attorneys are partially or fully responsible for the prosecution of felony child sexual abuse cases in your office?

*Please
Specify:*

Additional Comments:

2. Some counties have a designated prosecutor who exclusively handles child sexual abuse cases. Do the attorney(s) in your office, responsible for the prosecution of felony child sexual abuse crimes, prosecute types of crimes ***IN ADDITION*** to child sexual abuse (e.g., child physical abuse or child neglect)?

☐ No

☐ Yes → Please specify the amount of time (%) dedicated to the prosecution of felony child sexual abuse crimes for each position:

Position Title (<i>do not include names</i>)	# of positions	% time

3. Are felony child sexual abuse crimes currently vertically prosecuted in your office?

☐ Always

☐ Sometimes

☐ Usually

☐ Never

4. There are three models of vertical prosecution that are generally recognized: (1) True Vertical Prosecution; (2) Major Stage Vertical Prosecution; and (3) Unit Vertical Prosecution (*please refer to specific definitions on page # 1*). If your county vertically prosecutes felony child sexual abuse crimes, which of these three vertical prosecution models does your office use most frequently? (*Please select only one.*)

☐ True Vertical Prosecution

☐ Unit Vertical Prosecution

☐ Major Stage Vertical Prosecution

☐ None, my office does not vertically prosecute child sexual abuse crimes.

5. Are misdemeanor child sexual abuse crimes vertically prosecuted in your office?

☐ Always

☐ Sometimes

☐ Usually

☐ Never

other specialized felony units are responsible for the prosecution of certain felony crimes. In your office, are these units responsible for the prosecution of misdemeanor child sexual abuse crimes handled by the same person or unit as felony child sexual abuse crimes?

☐ Always

☐ Sometimes

☐ Usually

☐ Never

7. In your office, what is the average annual caseload for an attorney responsible for the prosecution of felony child sexual abuse crimes **NOT** including felony child sexual abuse crimes?

☐ 0 – 19 cases a year

☐ 60 – 79 cases a year

☐ 20 – 39 cases a year

☐ 80 – 100 cases a year

☐ 40 – 59 cases a year

☐ More than 100 cases a year

8. Do the attorney(s) in your office, responsible for the prosecution of felony child sexual abuse crimes, have a caseload in comparison to other felony prosecutors in your office?

☐ No

☐ Yes →

Please specify the approximate size of the case reduction in comparison to other felony prosecutors in your office:

☐ 10% or less

☐ 31 – 40%

☐ 11 – 20%

☐ 41 – 50%

☐ 21 – 30%

☐ Greater than 50%

SECTION II – CHILD SEXUAL ABUSE INVESTIGATION

9. How many investigators are either partially or fully responsible for the investigation of felony child sexual abuse crimes in your office?

Please Specify:

Additional Comments:

10. Some counties have a designated investigator who exclusively handles child sexual abuse cases. Do you have an investigator(s) in your office, responsible for the investigation of felony child sexual abuse crimes **IN ADDITION** to other types of crimes (e.g., child physical abuse or child neglect)?

☐ No

☐ Yes ↘

Please specify the amount of time (%) dedicated to the investigation of felony child sexual abuse crimes for each position:

PLEASE CONTINUE WITH ITEM #11 ON THE NEXT PAGE.

11. In your office, what is the average annual caseload for an investigator responsible for the investigation of felony crimes, **NOT** including felony child sexual abuse crimes?

- | | |
|---|---|
| <input type="checkbox"/> 0 – 19 cases a year | <input type="checkbox"/> 60 – 79 cases a year |
| <input type="checkbox"/> 20 – 39 cases a year | <input type="checkbox"/> 80 – 100 cases a year |
| <input type="checkbox"/> 40 – 59 cases a year | <input type="checkbox"/> More than 100 cases a year |

12. Do the investigator(s) in your office, responsible for the investigation of felony child sexual abuse crimes, have a reduced caseload in comparison to other felony investigators in your office?

- ☐ No
- ☐ Yes —————→ Please specify the approximate size of the case reduction in comparison to other felony investigators in your office:

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> 10% or less | <input type="checkbox"/> 31 – 40% |
| <input type="checkbox"/> 11 – 20% | <input type="checkbox"/> 41 – 50% |
| <input type="checkbox"/> 21 – 30% | <input type="checkbox"/> Greater than 50% |

13. Some counties have developed an interagency protocol agreement for the investigation of child sexual abuse and neglect crimes. This agreement establishes relationships between the district attorney's office and various agencies including, but not limited to, law enforcement, child welfare, health/medical, and educational agencies. The protocol outlined in this agreement is meant to help coordinate appropriate responses from these agencies during the investigation of child sexual abuse and neglect crimes.

Has your office established a similar interagency protocol agreement for the investigation of child sexual abuse crimes?

- ☐ No
- ☐ Yes —————→ If your office has an interagency protocol agreement for the investigation of child sexual abuse crimes, please answer the questions below.
- ☐ Don't Know

Does this interagency protocol agreement exist in written form?

- ☐ No ☐ Yes ☐ Don't Know

participating agencies?

☐ No ☐ Yes ☐ Don't Know

Does this interagency protocol conform to the minimum requirements established by the Children's Justice Act?

☐ No ☐ Yes ☐ Don't Know

PLEASE CONTINUE WITH ITEM #14 ON THE NEXT PAGE.

SECTION III – VICTIM SERVICES

- 14 During Fiscal Year 2000-2001 (July 1, 2000 to June 30, 2001), for how many victims of child sexual abuse has your victim-witness program provided services?**

Please Specify:

Additional Comments:

- 15 How often does your victim-witness program provide the following services to victims of child sexual abuse?**

Crisis Intervention Services	Resource & Referral Assistance	Follow-up Assistance	Criminal Justice Orientation	Court Escort and Support
<input type="checkbox"/> Always	<input type="checkbox"/> Always	<input type="checkbox"/> Always	<input type="checkbox"/> Always	<input type="checkbox"/> Always
<input type="checkbox"/> Usually	<input type="checkbox"/> Usually	<input type="checkbox"/> Usually	<input type="checkbox"/> Usually	<input type="checkbox"/> Usually
<input type="checkbox"/> Sometimes	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Sometimes	<input type="checkbox"/> Sometimes
<input type="checkbox"/> Rarely	<input type="checkbox"/> Rarely	<input type="checkbox"/> Rarely	<input type="checkbox"/> Rarely	<input type="checkbox"/> Rarely
<input type="checkbox"/> Never	<input type="checkbox"/> Never	<input type="checkbox"/> Never	<input type="checkbox"/> Never	<input type="checkbox"/> Never
<input type="checkbox"/> Don't Know	<input type="checkbox"/> Don't Know	<input type="checkbox"/> Don't Know	<input type="checkbox"/> Don't Know	<input type="checkbox"/> Don't Know

Additional Comments:

16 Which victim services agencies does your office coordinate with for child sexual abuse cases?

Mark all that apply:

☐ Victim-Witness Program

☐ Rape Crisis Center

☐ Child Protective Services

☐ Others (Please Specify): →

PLEASE CONTINUE WITH ITEM #17 ON THE NEXT PAGE.

17 During the course of child sexual abuse investigation and prosecution, what is the approximate number of times victims of child sexual abuse are interviewed?

☐ One time

☐ 3 – 5 times

☐ Two times

☐ More than 5 times

18 Does your county have a Multidisciplinary Interview Center (MDIC) for victims of child sexual abuse?

☐ No

☐ Yes → *If “yes”, please answer the following questions below:*

HOW
MANY YEARS
HAS THE MDIC
BEEN
OPERATING IN
YOUR COUNTY

Please Specify:

Years

including which agencies participate in the interviews:

IN
YOUR
EXPERIENCE,
HAS THE MDIC
REDUCED THE
NUMBER OF
TIMES A CHILD
IS
INTERVIEWED?

☐ No ☐ Yes ☐ Don't Know

SECTION IV – CASE REFERRALS

19 How many child sexual abuse cases were referred to your office in Fiscal Year 2000-2001 (July 1, 2000 to June 30, 2001)?

- | | |
|---|--|
| <input type="checkbox"/> Less than 25 cases | <input type="checkbox"/> 75 – 99 cases |
| <input type="checkbox"/> 25 – 49 cases | <input type="checkbox"/> 100 cases or more |
| <input type="checkbox"/> 50 – 74 cases | |

PLEASE CONTINUE WITH ITEM #20 ON THE NEXT PAGE.

20. What are the three most common referral sources of child sexual abuse in your office?

Please rank referral sources according to frequency:

- | |
|----------|
| 1. _____ |
| 2. _____ |
| 3. _____ |

21. Does your office engage in community/agency outreach in an effort to increase child sexual abuse referrals?

☐ No

☐ Yes →

Please briefly describe the outreach efforts made by your office to increase child sexual abuse referrals:

22. Has your office encountered any obstacles or problems obtaining referrals for incidences of child sexual abuse?

☐ No

☐ Yes →

Please briefly describe some of the common problems your office has experienced.

PLEASE CONTINUE WITH ITEM #23 ON THE NEXT PAGE.

SECTION V – CASE FILING

23 How many child sexual abuse cases were filed by your office in Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001)?

- ☐ 25 – 49 cases ☐ 75 – 99 cases
☐ 50 – 74 cases ☐ 100 cases or more

24 How many child sexual abuse cases were rejected by your office in Fiscal Year 2000 – 2001 (July 1, 2000 – June 30, 2001)?

- ☐ Less than 25 cases ☐ 75 – 99 cases
☐ 25 – 49 cases ☐ 100 cases or more
☐ 50 – 74 cases

25 On average, about how many charges are filed for a child sexual abuse case?

- ☐ 1 – 2 charges ☐ 6 – 10 charges
☐ 3 – 5 charges ☐ More than 10 charges

26 In your office, what are the three most commonly filed child sexual abuse charges, as defined under Penal Code §11165.1(a)? (Please refer page 1 for the specific penal code sections defined as “sexual abuse” under Penal Code §11165.1)

Please rank charged offenses according to frequency:

1.	_____
2.	_____
3.	_____

Additional Comments:

27 In your experience, are there any other charges commonly filed in child sexual abuse cases other than those defined as “sexual abuse” under Penal Code §11165.1 (a)?

☐ No ☐ Yes → *Please list any other commonly filed charges and the relevant penal code sections below:*

☐ Yes

28. When filing a child sexual abuse case, how frequently do the circumstances surrounding the sexual abuse involve some form of physical abuse?

☐ Less than 10%

☐ 25 – 49%

☐ 10 – 24%

☐ More than 50%

Additional Comments:

29. On average, about what percentage of the child sexual abuse cases filed in your office involve one or more defendants and multiple victims?

☐ Less than 10%

☐ 25 – 49%

☐ 10 – 24%

☐ More than 50%

Additional Comments:

30. In your office, what are the three primary factors that determine if a child sexual abuse case is filed for prosecution?

Please rank the factors according to importance:

1. _____

2. _____

3. _____

Additional Comments:

PLEASE CONTINUE WITH ITEM #31 ON THE NEXT PAGE.

31. Has your office encountered any obstacles or problems that are common when filing child sexual abuse charges?

☐ No

☐ Yes → Please briefly describe some of the common problems your office has experienced:

SECTION VI – CASE DISPOSITIONS

32. In Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001), what percentage of child sexual abuse cases that were filed by your office eventually went to trial?

☐ Less than 10%

☐ 30 – 39%

☐ 10 – 19%

☐ 40 – 49%

☐ 20 – 29%

☐ More than 50%

33. In Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001), what percentage of child sexual abuse cases that were

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Less than 10% | <input type="checkbox"/> 50 – 74% |
| <input type="checkbox"/> 10 – 49% | <input type="checkbox"/> 75% or more |

34. In Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001), what percentage of child sexual abuse cases that were filed by your office resulted in a conviction?

- | | |
|--------------------------------------|------------------------------------|
| <input type="checkbox"/> 50% or less | <input type="checkbox"/> 71 – 80% |
| <input type="checkbox"/> 51 – 60% | <input type="checkbox"/> 81 – 90% |
| <input type="checkbox"/> 61 – 70% | <input type="checkbox"/> 91 – 100% |

PLEASE CONTINUE WITH ITEM #35 ON THE NEXT PAGE.

35. In Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001), what percentage of child sexual abuse cases that were filed by your office were eventually dismissed?

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Less than 10% | <input type="checkbox"/> 50 – 74% |
| <input type="checkbox"/> 10 – 49% | <input type="checkbox"/> 75% or more |

36. How often does your office employ a strategy of diversion in child sexual abuse cases?

- | | |
|------------------------------------|----------------------------------|
| <input type="checkbox"/> Always | <input type="checkbox"/> Usually |
| <input type="checkbox"/> Sometimes | <input type="checkbox"/> Never |

Additional Comments:

37. In Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001), what was the average length of time between initial arrest and final disposition for child sexual abuse crimes?

- | | |
|---|--|
| <input type="checkbox"/> Less than 3 months | <input type="checkbox"/> More than 9 months, but less than 12 months |
| <input type="checkbox"/> More than 3 months, but less than 6 months | <input type="checkbox"/> More than a year |
| <input type="checkbox"/> More than 6 months, but less than 9 months | <input type="checkbox"/> Don't Know |

If this information is not possible to determine, please discuss the reasons why:

38. In Fiscal Year 2000 – 2001 (*July 1, 2000 to June 30, 2001*), what percentage of child sexual abuse cases that were filed by your office AND resulted in a conviction received the following sentences?

Additional Comments:

Prison		
Jail		
CYA		
Probation (No Jail)		
Diversion		
Other (Specify):	_____	

PLEASE CONTINUE WITH ITEM #39 ON THE NEXT PAGE.

39. In your office, what are the three most common reasons that child sexual abuse cases do not result in conviction?

Please rank the factors according to importance:

1.	_____
2.	_____
3.	_____

Additional Comments:

SECTION VII – COSTS AND BUDGET

40 Can you identify the actual budgetary amounts (costs) spent by your office for **ONLY** the prosecution of child sexual abuse crimes during Fiscal Year 2000 – 2001 (July 1, 2000 to June 30, 2001)?

☐ No

☐ No, just rough estimates

☐ Yes, actual costs

		Actual Costs \$	Estimated Costs \$	Don't Know	N/A
Prosecutor(s)				<input type="checkbox"/>	<input type="checkbox"/>
DA Investigator(s)				<input type="checkbox"/>	<input type="checkbox"/>
Victim Witness				<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	_____			<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	_____			<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	_____			<input type="checkbox"/>	<input type="checkbox"/>

PLEASE CONTINUE WITH ITEM #41 ON THE NEXT PAGE.

41 In the space provided below, please briefly discuss any problems or difficulties associated with determining the costs of prosecuting child sexual abuse crimes in your office.

- 42 In the space provided below, please briefly describe any additional costs that you feel are associated with the prosecution of child sexual abuse crimes in your county for which your office does not incur a cost. For example, cost of law enforcement, Child Protective Services, or costs associated with other agencies and/or services that are involved in the referral, investigation and prosecution of child sexual abuse crimes.

THANK YOU FOR COMPLETING THIS SURVEY! YOUR PARTICIPATION AND INPUT ARE VERY IMPORTANT.

APPENDIX E: CAVP PROSECUTION CRITERIA (REVISED 8/01)

SUBJECTS OF CHILD ABUSER VERTICAL PROSECUTION EFFORTS (PENAL CODE §999t)

An individual is subject to prosecution under Penal Code Section 999t, subdivision (a), if he/she is charged with felony assault of a child under the age of 18 years, and is being prosecuted for one or more of the following violations (see Appendix E for the applicable Penal Code Sections):

- the sexual abuse of a child as defined in Penal Code Section 11165 et seq.;
- endangering a child or causing or permitting a child to suffer physical pain, mental suffering, or injury as defined in Penal Code Section 273a, subdivision (a) and (b);
- assault resulting in death of a child under eight years of age as defined in Penal Code Section 273ab;
- infliction of corporal punishment or injury on a child resulting in traumatic condition as defined in Penal Code Section 273d; or
- sending harmful matter to a minor by telephone messages, electronic mail, Internet or commercial online service as defined in Penal Code Section 288.2 when committed in conjunction with any other violation listed above.

The CAVP Advisory Group recommended additional charges to fulfill the intent of the CAVP Program. These charges included assault with intent to rape (Penal Code §220), sexual battery (Penal Code §243.4), aggravated assault on a child (Penal Code §269), and violation of probation.

In applying the child abuser selection criteria set forth above:

- 1) A district attorney may elect to limit child abuser prosecution efforts to persons arrested for any one or more of the offenses described above if crime statistics demonstrate that the incidence of one or more offenses presents a particularly serious problem in the county;
- 2) A district attorney shall not reject cases for filing exclusively on the basis that there is a family or personal relationship between the victim and the alleged offender.

GLOSSARY OF TERMS

Note: The definitions provided here are specific to the report. Some of the terms below have meanings other than those reported here.

Accuse: To directly and formally institute legal proceedings against a person, charging that (s)he has committed an offense.

Adult: A person who is at least 18 years of age.

Baseline: A numerical rating of the behavior under study. It should be gathered before an intervention designed to change that behavior (e.g., the SRVP Program) is imposed. The purpose of having a baseline is to use it as a comparison with the results after the intervention had been imposed. Thus the number of statutory arrests in pilot counties before the existence of the SRVP Program would be the baseline compared to the number of statutory rape arrests after the implementation of the SRVP Program.

Children's Justice Act: Provides grants to States to improve the investigation, prosecution, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim.

Conviction: The legal act by the judge or jury which declares the guilt of a party and upon which sentence or judgment is founded.

Disposition: In criminal law, the sentence the defendant receives is the *disposition*; i.e., the post-adjudicative phase of the criminal proceeding is called the *disposition* or the *dispositionary* phase.

Felony: Generic term employed to distinguish certain high crimes from minor offenses known as misdemeanors. Statutes often define felony in terms of an offense punishable by death or imprisonment generally, or by death or imprisonment for more than one year.

Indictment: A formal written accusation, charging one or more persons with a crime. Once an *indictment* is filed, the matter passes to the court and a prosecutor must proceed to trial unless the court approves a dismissal. Indictments also inform the accused of the offense with which (s)he is charged clearly enough so that (s)he can prepare an adequate defense.

Investigator: Professional responsible for conducting the criminal investigations necessary for cases to be prosecuted successfully in criminal court.

Lewd or Lascivious Act on a Child: Willfully and lewdly committing an act upon the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child.

Longitudinal: A method of data analysis whereby one or more behavior or performance variables are repeated measured over to time to assess change or improvement.

Mandated Reporters: Any person who has assumed full or intermittent responsibility for the care of a minor, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff that provide care or services to minors.

Minor: A person under the age of 18.

Misdemeanor: A class of criminal offenses that are less serious than *felonies* and which are sanctioned by less severe penalties. The duration or place of imprisonment and the severity of the punishment generally distinguishes it from a felony.

OCJP Grant Award Agreement: The signed final agreement between OCJP and the local government agency or organization authorized to accept funding.

Oral Copulation: The act of copulating the mouth of one person with the sexual organ or anus of another person.

Prosecute: To charge with an offense judicially or by public process.

Sexual Assault: Unlawful sexual intercourse without the victim's consent. A felony under Common Law.

Sodomy: Sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

Statutory Rape: The crime of having sexual intercourse with a minor under the age set by statute, regardless of whether the minor consents to the act.

Unlawful Sexual Intercourse: An act of sexual intercourse with a person who is not the spouse of the perpetrator if the person is a minor.

Vertical Prosecution: A type of legal prosecution in which one attorney is assigned to a case from beginning to end. OCJP recognizes three types of vertical prosecution: true vertical prosecution, major-stage vertical prosecution and unit vertical prosecution.

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